

ZB# 98-28

Bila Family Partnership

65-2-12

Prelim.

July 13, 1998.

addl. info. filed
needed (see jacket)
Feasibility / notice to Sentinal

Public Hearing!

Sept. 14, 1998.

Variances ^{big} Govt. Center.

Approved:

① Parking Space Size

② Signs

③ max. bldg. hgt.

④ loading berths.

⑤ Area-retaining wall.

⑥ setback.

Refund \$ 142.00

#98-28 - Bila Family Partnership

Area

65-2-12, 35, 36, 37.

WILSON SERIES - CREDITORS - SIGNATURE REQUIRED - 10/10/80

DATE Aug 19, 1998 RECEIPT 065514

RECEIVED FROM James G. Sweeney

Address _____

One Hundred fifty 00/100 dollars \$ 150.00

FOR 2 BA #98-28

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>ck #1336</u>
AMOUNT PAID		CHECK	<u>150.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy N. Hansen

- ① 226 parking spaces
② Height - ③ Retaining wall? ④ Sign?
- ① How many feet of existing building
are you removing?
- ② Height?
- ③ Display parking space w/ new & old code.
- ④ Need variance for # of parking &
add. " for size

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bila Family Partnership

FILE# 98-28

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid 8/19/98
ck #1336*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*paid 8/19/98
ck #1337*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/13/98 22 \$ 99.00

2ND PRELIMINARY- PER PAGE 9/14/98 42 \$ 189.00

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 288.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/13/98 \$ 35.00

2ND PRELIM. 9/14/98 \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 358.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT. \$ 142.00

Date _____

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO James G. Sweeney, P.C. DR.

1 Harriman Square
Cooken, N.Y. 10924

[illegible]

1336

JAMES G. SWEENEY, P.C.
 ATTORNEY AT LAW
 1 HARRIMAN SQ.
 GOSHEN, NY 10924

50-584/219

DATE

8/18/98

 PAY TO THE
 ORDER OF

Town of New Windsor

\$ 150⁰⁰

one hundred fifty dollars, 00/100

DOLLARS


First Hudson Valley Bank

 First National Bank of the Hudson Valley
 307 MAIN STREET, ROUTE 207 GOSHEN, NY 10924

FOR

Bill for 2004 - Bill #98-28

⑈001336⑈ ⑆021905841⑆ 0715002173⑈

1337

JAMES G. SWEENEY, P.C.
 ATTORNEY AT LAW
 1 HARRIMAN SQ.
 GOSHEN, NY 10924

50-584/219

DATE

8/19/98

 PAY TO THE
 ORDER OF

Town of New Windsor

\$ 500⁰⁰

five hundred dollars, 00/100

DOLLARS


First Hudson Valley Bank

 First National Bank of the Hudson Valley
 307 MAIN STREET, ROUTE 207 GOSHEN, NY 10924

FOR

Bill 2004 escrow fee #9828

⑈001337⑈ ⑆021905841⑆ 0715002173⑈

In the Matter of the Application of
BILA FAMILY PARTNERSHIP

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#98-28.

WHEREAS, BILA FAMILY PARTNERSHIP, with offices located at 158 North Main Street, Florida, New York 10921, has made application before the Zoning Board of Appeals for a variation in the parking space size, 4 ft. maximum building height, 19 loading berths, 7 ft. setback for retaining wall and sign variances: 1 additional Pylon, freestanding sign, 410 sq. ft. total area for each freestanding sign, 20 ft. height variance and façade signs for tenants not to exceed the minimum allowed, for reconstruction of a large shopping center located at Big V Plaza on Route 32 in a C zone; and

WHEREAS, a public hearing was held on the 14th day of September, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by James G. Sweeney, Esq., Cabot Hudson, P. E. of Langan Engineering and Environmental Services, Ken Nara of PEG/PARK Architects and Retail Consultants, and Jeff Rosenberg, a partner in Bila Family Partnership; and

WHEREAS, there were 15 spectators appearing at the public hearing; and

WHEREAS, 7 spectators spoke, neither in favor nor against the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property consisting of a large shopping center located on a busy commercial highway, in a commercial neighborhood.

(b) The Applicant seeks the instant variances in connection with a reconstruction of the

shopping center.

(c) The Applicant seeks seven variances: (1) number of parking places and the size of each parking stall; (2) building height; (3) rear yard lot line; (4) a truck-loading berth variance; (5) pylon signs; (6) ground directional signs; and (7) façade signs.

(d) With respect to the parking variance, a variance for the number of parking places was already granted in 1989 of 213 parking stalls.

(e) With respect to building height, a 13 ft. maximum building height variance was previously granted and this Applicant seeks only a 7 ft. maximum building height variance.

(f) The Applicant claims that the "industry standard" for parking spaces is that they measure 9 ft. by 18 ft. with a 24 ft. aisle width. The proposed changes in the New Windsor Code would permit spaces of 9 ft. by 19 ft. with a 25 ft. aisle width.

(g) The rear yard variance is requested in order to reconstruct and expand an existing retaining wall and to make it more esthetically pleasing and structurally sounder.

(h) The proposed retaining wall will be slightly relocated from its present location so as to promote loading configurations behind the retail stores and provide a smooth traffic flow in and around the back of the stores.

(i) The proposed structures will be significantly different in appearance than the existing structures and will have, in many cases, pitched roofs as opposed to the present flat roofs. The existing freestanding bank building on the premises will be demolished and relocated and the parking will be significantly reconfigured.

(j) The allowed signage on the property will be changed so as to eliminate the present boxed signs and substitute signs for each individual tenant having individual letters. The Applicant proposes that the allowed individual signs be grouped for tenants under 75 ft., tenants between 65 and 225 ft. in width, and larger tenants.

(k) Currently the signs allowed for the existing Big V and Caldor are some 9 ft. in height as opposed to 3.5 ft. allowed in the Zoning Local Law. The Applicant is proposing to reduce those signs to 6 ft. in height, still requiring a variance but reducing the size of the signs. The Applicant is proposing signs of 2 ft. by 30 ft. for the stores under 75 ft. in frontage and 4 ft. by 40 ft. for the stores between 75 ft. and 225 ft. in width. The site is approximately 29 acres in size and most of the buildings are more than 300 ft. removed from the roadway.

(l) The Applicant is proposing four pylon signs, one along Temple Hill Road, one along Old Forge Hill Road, and two along Route 32. The Applicant is also proposing directional signs for the two major entrances.

(m) The Zoning Local Law permits one directional sign. In view of the size of the

project, the Applicant is requesting more directional signs than the local law permits.

(n) Many of the existing signs are located in the setbacks. The Applicant proposes to remove those signs from the setback and to make the signage uniform.

(o) The proposed retaining walls in some places will be closer to the property line than the existing retaining wall to permit the straightening and extension of the wall.

(p) There is a substantial difference between the level of the existing shopping center and those of the adjacent properties a grade difference of 17 plus feet approximately. The Applicant proposes a construction of the center that will flatten the over-all grade of the parking lot.

(q) The proposed shopping center will contain two anchor stores and a number of major tenants and the requested height of the pylon sign is a matter of proportion and is necessary to accommodate signs for the anchor and major stores.

(r) The shopping center as constructed is designed to hold approximately 25 tenants.

(s) Because of the location of the proposed shopping center, the Applicant anticipates that it would have a tendency to have much more pass-by traffic than would a so-called "regional" mall. The reorganized circulation of the proposed shopping center would place most of the parking in front of the uses and not behind the uses merely to satisfy zoning requirements.

(t) The layout of the proposed shopping center includes islands, drives and breaks the parking fields down to much shallower ones, and spreads them out along the front of the proposed stores, distributing them more evenly.

(u) The layout of the proposed shopping center contains concrete curbs, major trees and plantings at the end of each isle, taking up some space, but providing definition and attractiveness.

(v) The Applicant agrees to modify its application so that the sign pylons on Old Temple Hill Road and Old Forge Hill Road are to be reduced to ground size, i.e. approximately 6 feet high.

(w) The existing Burger King sign will be removed when the landlord next has an opportunity to do so.

(x) The proposed retaining wall will be placed in an existing slope area with a cutting into the slope to make it uniform.

(y) If the proposed retaining wall is built, the adjacent residents will have no visual change.

(z) The height of the shopping center as it is proposed will not be higher than the existing

shopping center.

(a-1) The Applicant proposes to place a 6 ft. high chain link fence on the top of the retaining wall, if it is allowed.

(b-1) The proposed retaining wall will be 4 to 6 ft. from the property line and a variance is requested because it would still be within the required 10 ft. setback.

(c-1) The Applicant agrees to construct the parking stalls as 9 ft. by 19 ft. with a 25 ft. aisle, the same as is in the proposed amendments to the Town of New Windsor Zoning Local Law. Accordingly, the Applicant is requesting a variance of 453 parking spaces.

(d-1) The Applicant agrees that if a variance for 453 parking spaces is granted, that will be the extent of the parking variances and it will supersede and supplant the previously-granted variance of 213 and the Applicant will be entitled only to a variance of 453 spaces, not 666 spaces.

(e-1) A 4 ft. building height variance is requested although the Applicant is not sure that it will ultimately be necessary.

(f-1) With respect to loading berths, there are a number of small retail stores that do not need their own loading dock and so the Applicant is requesting permission to put in only 15 spaces, which is 14 spaces less than the required 32 spaces. The Applicant is therefore requesting a variance of a reduction of 19 spaces.

(g-1) The Applicant is requesting a 7 ft. variance for the retaining wall since it will in spots encroach as much as 7 ft. into the required 10 ft. setback.

(h-1) The Applicant has requested two pylon signs to be no higher than 35 ft., an additional two pylon signs to be no higher than 7 ft. 11 in. and façade signs for each tenant.

(i-1) In addition to the foregoing, a variance is requested for the freestanding sign as described in the application.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but

nevertheless is warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variation in the parking space size, 4 ft. maximum building height, 19 loading berths, 7 ft. setback for retaining wall and sign variances: 1 additional pylon, freestanding sign, 410 sq. ft. total area for each freestanding sign, 20 ft. height variance and façade signs for tenants not to exceed the minimum allowed, for reconstruction of a large shopping center located at Big V Plaza on Route 32 in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 25, 1999.


Chairman

Date 12/9/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/14/98		Zoning Board	75.00	
		Misc - 1		
		Cestari - 2		
		Wilson - 3		
		Greer - 4		
		Lucas - 7		
		Gannotti - 9		
		N/W Partners - 18		
		Bila Partners - 42 189.00	387.00	
		86		
			462.00	

BILA PARTNERS

James G. Sweeney, Esq. appeared before the board for this proposal.

MR. NUGENT: Refererd by Planning Board for variance for parking space size, maximum building height, loading berths and signs at Shop Rite Plaza in Vails Gate in C Zone. Is there anyone here for that? I think everybody is here for that. Please sign the paper so we can get your names and address properly.

MR. SWEENEY: Why don't we get started. For the record, my name is Jim Sweeney, I'm here on behalf of the applicant, Bila Family Partnership. And we were here before you a month or so ago and I have basically the same team of people with me tonight to explain the nuts and bolts of the proposal, which is a package of variances, it's not terribly dissimilar from the package of variances that were involved in the Rite-Aid application that you just heard. I have with me Cabot Hudson from Langan Engineering who will speak to the parking situation and also Ken Narva from PEG/PARK or the design group will put together the design for the proposal that is in front of you and he will speak to the sign aspect of the variance. Actually, the variance application is for a package of what I term to be seven different variances. One and the primary one is dealing with parking and the size of the parking stall and the number of parking spots that are involved. The second is a building height variance. The third is a rear lot line variance which deals more with the retaining wall than with the structure, retaining wall along the back of the property line and the fourth is a truck loading berth variance and the fifth, sixth and seventh are really sign variances, but they break down into three different ones, pylon signs variance, a ground directional sign variance and a facade sign variance. That is the package of them all. With regard to the parking variance, you may remember that there is already in place a parking variance that you granted back in 1989 and as a result, with some modification of the plan that have occurred from the time that we were here last time on the intake application, the actual number of parking spots that

we're looking for and I handed out a parking comparison and if you look in the required column, you'll see there's a requirement with the type of square footage we now have in place requirement for 1,704 parking spaces and we're looking for a variance for the number of spaces at 1,298, and that is with 9 x 18 inch, yeah, 9 x 18 foot stalls and 24 foot aisles. When you build in the 213 parking spots that were allowed by your September, 1989 variance, the net difference is 193 spots that we would be looking for. And that is a bit less than we spoke about at the intake meeting that we had a couple of months ago, we spoke about 226. So we have gone down to 193 with those dimensions. In terms of the building height, we're looking for essentially the same thing we were talking about before, which is a 30 foot, I believe a, excuse me, we're looking for about a 7 foot variance and I remind you again that there's a 13 foot variance already in place. Now, true, that variance was probably at the time it was granted in 1989 directed at the clock tower and so forth but there's a 13 foot height variance already in place. There's no truck loading berth variances and sign variances that are in place, so they are new to you and we'll be speaking to them directly. I think the best thing to do at this point is to let Cabot Hudson come up and speak to you with regard to the parking which is you know from our prior experience is really a whole different configuration from the existing parking design of the facility and you're aware and I think the public is aware, I hope they are aware that it is really a completely renovated site at the shopping center that we're looking to do with the over-under parking, with the redesigned buildings that you see in front of you which give it a much better atmosphere and I'm not really going to speak to that but Cabot is the one to speak to about the parking. Cabot, would you give them a little bit of your wisdom and knowledge concerning the need and the type of design that we're looking for here?

MR. HUDSON: My name is Cabot Hudson, with the firm of Langan Engineering Environmental Services headquartered out of Elmwood Park, New Jersey. Before I go into the parking, I just wanted to give you an understanding, I know you've gotten hit with a plan not too long ago.

The difference between this plan and the plan you saw when we were last before you there's about five integral changes to it. One is just actually a couple of them are just basically configuration changes, these changes have been made in response to specific interests in the property. Basically, this area has been changed from a configuration standpoint. The bank area where previously we were trying to make use of this area, we have now abandoned that building, it would be set for demolition, a bank will be replaced in this area of the property and a reconfiguration of this area, actually make it more efficient than it was previously because of the angle of the bank and angle of the existing retail, we found we could make it more efficient if we did that. In addition to that, also to try to mitigate some of the parking deficiencies, we have added another row underneath where previously you saw this was approximately 73 spaces, it's now up to 113 because we have dug still deeper into the site. And the last change basically was the addition of retail center in this area and parking for that use there. I think that covers basically all of the changes from the old plans and the new plan. There's an approximate difference of about 6,000 square feet from the previously submitted plan, I believe this plan has about 3,000, previous plan had approximately 297,000, so they are very similar in use from that standpoint. Parking space size, I believe Jim handed you the handout, I think my recollection is that you asked us to give you an approximate breakdown of what would happen to the site if we used per existing code what would happen to the site if we went with I think what's proposed in a new code which would be the 19, 9 x 19 with a 25 foot aisle and what were proposing here, as you can see, between the 9 x 19, there's an approximate loss of 49 spaces, equal to about 5 percent of the site, and you can see if we go to the 10 x 20 with a 25 foot aisle we have a loss of approximately 200 spaces. The 9 x 18 with the 24 foot aisle basically industry standard from what our practice has seen and what from a lot of the major tenants have been requiring of us. One of the reasons that we still want to incorporate it into the entire site is basically, it lessens what we have to ask you for on the other end so it's kind of like a chicken and egg, if we go with the

larger space size, we have to ask you for a greater number of variances in the number of spaces. If we go for the lesser size, we have to ask for a lesser number, regardless, that's where we stand with the parking. We have in accordance with I think one of the planning board member's request increased the main drive aisle up to 25 feet as you can see in other areas of the site where the main trafficking aisle is, we have left it at 30 feet, or maintained it at 30 feet in areas where majority of the through traffic or the customer traffic is going to occur. So, that is basically where we stand on the parking scenario. On the other two variances that I am going to speak of, one was the variance requiring a retaining wall to be viewed as an accessory building or accessory use to the project and as such, could be placed no closer than ten feet to the property line. If you are familiar with the site behind the building, there's an existing retaining wall, which is very close, if not on the existing property line. It's in severe disrepair so as a minimum, what we're requesting to do is go in and rebuild that retaining wall and make it one aesthetically better and two structurally more sound. In addition to that, because of the way the site's laid out now currently it jogs in in several places and jogs back out towards the property line. We wanted to make it more uniform to help to enable loading configurations behind these retail stores and provide a smooth traffic flow in and around the back of the buildings. To do that, we even end it out with the worst case scenario behind the existing Caldors which currently exists today, not only for an accessory use but also for the main building, I think is in need of a variance or was granted a variance previously. So, we basically extended that wall along the property line and straightened out the configuration behind those buildings so because of that, we need a variance to construct that wall within that setback area. And loading berths, basically, in my mind loading berths are just a function of whatever use you have. The two big users here exist, Shop Rite and existing Caldors already have in place their existing loading areas or what they need to facilitate their needs with regards to the rest of these stores, the loading can vary depending on who the final tenant is. Typically, with

a larger store of 30 to 40,000 square feet, they have one or two loading berths, these smaller stores have at best one loading berth. In most cases, there may not even be room for that, but they are basically supplied by small UPS type trucks, Federal Express type trucks depending on their deliveries and situations like that. So basically, all we're asking for is to allow us to provide the loading that would be sufficient for these uses to operate. Again, you can see between retail B1 from B5, there is basically a series so one loading area is going to serve all five retail stores. There's no room or facility to do anything else because they are serviced from the interior. So again, our request for a variance stems from the actual use of each of the retail tenants.

MR. SWEENEY: Okay, Ken Narva will probably address you regarding the two or excuse me, the three aspects of the sign variances that we're requesting. I want to point out, in fact, before I even do that, I want to introduce another member of the team who is Jeff Rosenberg, who is the primary partner in Bila Family Partnerships, so he's here to see how you operate and perhaps to help us come to some resolution here. As I told you, the sign variances break down to the freestanding pylons and then into the ground signs and facade signs and Ken, being from PEG/PARK, is quite knowledgeable and I'm going to ask him to speak to that.

MR. NARVA: Good evening, ladies and gentlemen of the board, my name is Ken Nara, founding principle of PEG/PARK architects and retail consultants headquartered in White Plains and have a national practice in retail design all over the United States. I'm not sure why the members of the public are here, specifically, I know this is a hearing for variances, but maybe I would take a minute to explain a little bit of the plan because I'm not sure.

MR. NUGENT: They are going to have an opportunity to speak.

MR. NARVA: I don't know if anybody has explained what is being produced.

MR. NUGENT: The more they know, the better.

MR. NARVA: I think perhaps one of the most important things and you have seen this, if I can just pull this forward a little, the application that came before this was for a new retail building, I'm sorry to block you, a new retail building across the street and somebody on the board referred to it as a fairly large building. It was 11,000 square feet. Just to give you a frame of reference in the scale this project is 30 times larger 30, 3-0, of which 90 percent of it exists today. We have a project that functionally and we believe physically is at the end of its life. It's functionally and physically deteriorating. What the Rosenberg family is attempting to do is to reconfigure the project in a way that reflects retailing day number one which means more of a Main Street community approach, but really, at the same time, solves some very major site issues on the property, primarily on the side that faces the commercial district and Route 32. Parking, grading, landscaping, site lighting, I don't think anybody would have described the existing project of any architectural merit, we really consider it fairly architecturally unfortunate is the word we'd use today. And like a lot of buildings around, to their credit, the Rosenbergs are going to spend a great deal of money here without a significant retenancing. The two specific tenants have less leases, Shop Rite and Caldors have leases until my grandchildren are around and married. So, we're attempting to renew an existing facility and their investment in the community. We work on millions of square feet all over the country and with the Rosenbergs in particular, find it very encouraging where they are spending the dollars, so it's a recycling of the physical plant and a retenancing of secondary spaces offering them to new retailers into the marketplace keeping the two primary anchors there. Our job was to do this planning along with Langan and a group of other consultants to ensure that we brought the site up to today's standards for not only zoning and planning board guidelines but for the public. And they are basically taking the entire existing building, rip it down for the most part and start over. We have completely eliminated enclosed

mall area which was here. It doesn't work, it never did, it's sort of a hybrid, it's not a mall, it's not an open area, the pedestrian circulation is very important and reinforce it with a lot of streetscape, sidewalk, lamp posts, planting, graphics signage all becomes important and the architecture changes very significantly. This is the front of Shop Rite, basically, the entire front comes down and I don't remember now, but there's this gigantic front that sits there so scale becomes important, roof pitch becomes important, we have introduced a more, in a way, a more residential approach breaking the scale of the buildings down, instead of this very tall fascia. In case anybody forgets, this to this, so we go down to steel, we start all over again, break the building down so that stores are more easily identifiable. And what happens is doing this rather quickly is that enclosed space that used to be here is brought out to the corner more towards the corner of Route 32 and Old Temple Hill Road to extend the face of the shopping center to that key intersection. As Cabot mentioned before, the existing bank's demolished and replaced here and new retail pad is placed out here. The rear of the shopping center is cleaned up, but because of what surrounds the site and the grades and the fact that the two big anchors are staying, aside from that, there's little work happening except repaving and curbing and things but no new construction happening in the back, this is new, used to be here, it's been taken down and replaced, so that it can reflect the kind of retailers that will be here, not just in the near future, but in the fairly long term. So that there's a center that has a community nature to it, this is not a regional property, this is a property for the immediate three, four mile circulation, which is what happens when you're anchored by a supermarket and a discount department store which serves that immediate community. Now, that gets us to hopefully that is a little helpful, there will be obviously meetings before the planning board, I'm not trying to make this into a planning board presentation, but because there is enough of you here tonight, I thought it would be worthwhile to give you a little background. Signage wise, no reflection on the ordinance, I'm chairman of an architectural review board in Westchester County, I

have written several sign variances and the minute we write them, it's obsolete, very hard thing and difficult thing to do. But our objective here is really twofold, we want to establish signage control for all tenants, no box signs, everybody know what a box sign is, just a box, not individual letters. It's the cheapest kind of sign and they are all over the front of this existing building right now. Really not a nice good idea and we'll not allow that kind of sign on this building. All that will be allowed here is individual channel letter signs, so the size of signs become important. We're in many cases more than 300 feet back from the road, which is a significant distance. So we have tried to organize the hierarchy of signage here for tenants under 75 feet, tenants between 76 and 225 feet in width and then tenants that would be bigger than that. Right now, the existing Big V sign and Caldor sign is some 9 feet in height, your ordinance allows for 3.5 as a maximum in height when you're more than 300 feet back from the road. We're proposing a maximum of 6 feet for the Shop Rite sign and the Caldor sign remember not box signs. And we're proposing two feet by 30 feet for the stores under 75 feet in frontage and 4 feet by 40 feet is for the stores of 75 feet to 225 feet in width. Give you an example, if you had a Barnes and Noble and they were here and they were occupying 25,000 square feet, or store like that, they may take 100 feet of frontage so we're talking about a sign 4 feet in height that may be 40 feet long or about 160 feet and I'm going to move this back so we can go through, show you a couple examples. I'll do this for both the board and the public. This is, everybody see, this is the existing 9 foot high Shop Rite sign and Caldors sign. What we're proposing is a maximum of 6 feet, something like here you see in the middle. And the gentleman before me made an important point which is you always try to deal with the scale of the sign or graphics and signage on awnings and directional signs as part of an overall scheme that is appropriate within the scaling of the buildings and the size of the project itself. So that Caldor sign or that Shop Rite sign are a much smaller buildings, little bit more residential in nature pitched roofs and they make more sense to us that way. This is an example of a couple signs from the Cortland

Town Center that was completed very recently, one is for Party City, the other one is for Office Max, make sure everybody can see the size of these signs and they fit into the size here and Office Max sign of 4 feet and Party City's at two feet and Block Buster's at two feet and The Home Place was at 6 feet because that was a store that had a great deal of frontage. This is the existing center today, you can see all those box signs so what we're proposing requires a variance the exact number of that for the satellite tenant of up to 75 feet, we're proposing 2 x 30 which is 60 square feet, right now, we're allowed, you're allowed a maximum of 25 square feet or 2.5 times ten or 3.5 and maximum up to 35 square feet, if you are more than 300 feet back which we are in a lot of cases. So there, it's 35 feet versus the 60 we're requesting. For the medium size major tenant, something like an Office Max or Barnes and Noble, we're asking for 4 feet by 40 or 160 square feet and for the really big anchor like Shop Rite or Caldors, we're asking for 6 x 40 feet which is 300 or 240 square feet.

MR. TORLEY: Do you have copies of that?

MR. SWEENEY: This is on page 45 of your application. Do you have your application?

MR. NARVA: In addition to that, there are pylons and directional signs, we have site, that unlike the previous application, which is like one and a half acres, this site isn't 30 times as big, but it's close, it's more I think about 27 1/2, 28 acres is where we ended up 29 acres with the additional parcel on Old Temple Hill Road Road that we're using so concern about access and visibility along 32 is important. We're proposing four pylon signs, one at Old Forge Hill Road entrance to the project, two along Route 32 because one for each tenants, major tenant and one just as you approach the project on Old Temple right at the beginning of the project on the south side of the site. And then as you come in the two major entrances, two directional signs which are ground signs, which there doesn't appear to be anything in your ordinance to cover. Now, the ordinance allows one directional sign for retail projects, obviously, something of this

magnitude almost 30 acres and 300,000 square feet of space, one directional sign or one sign representing the project aside from the sheer linear feet of frontage on three roads would be difficult. We're proposing that they are architecturally important which means that with their anchor to the ground with masonry, they are designed internally illuminated and the signage on each face is very controlled, a logo is developed for the project, and a real pylon gets developed. Same thing with the ground signs, they become part of the architecture of the project itself. If you look now along Route 32, you have one hodgepodge of signs of all different sizes and heights. Even some of the signs in the setbacks themselves. These are some of the signs that exist on the site, we want to move the Burger King sign out of the setback, move it back into the site from here to here and then introduce these pylons as you can see the two directional signs. So, it's really a combination and then we have on the building a lot of awning, we use a lot of awning in our projects and there is signage on that. Each tenant that signs a lease on the project like this has to meet the signage criteria of the project, has to obviously submit it to the town, submits it to the landlord, get approved, only certain sign manufacturers can make the signs, only certain sign fabricators can install them, a project this size, it's a large community center. And it is very important that there be a control of signage itself. So I think to give a sense of the magnitude of this, the present ordinance allows for total area of 64 square feet of signage for the pylons, and in that case, just to give you a magnitude of that, I'm not sure how many times we're asking for more than that, but that is a really small area. That is like an 8 x 8 sign on a project, that is several thousand feet of frontage and 300,000 square feet. I'm sure we can reach some reasonable compromise on that in a way that doesn't set a precedence that endangers the town's ordinance at the same time meets the retail objectives of a controlled design signage package for the project I think that is it.

MR. SWEENEY: Okay, I think we have covered them all.

MR. TORLEY: Where do you want to start, Mr. Chairman?

MR. NUGENT: We've got to work out each one as we go along.

MR. TORLEY: My first question deals with the retaining walls.

MR. NUGENT: We can open it up to the board, are you finished with all your presentations?

MR. SWEENEY: Yeah, we are, we're here to answer your questions.

MR. NUGENT: We can ask from the board any questions that we need to ask, hopefully, that will answer some of the audience's questions. What I think we should address each part of it as we see fit.

MR. TORLEY: We started talking about retaining walls first, that's where I wanted to start.

MR. NUGENT: That's fine, you can start there.

MR. TORLEY: Retaining walls, are you at any point moving the retaining wall closer to your property line than it is now?

MR. HUDSON: In some instances, the answer to that would be yes, along this portion back in here where there isn't a retaining wall now where one is being constructed and in these areas we're moving closer to the property line, yes.

MR. TORLEY: What's the height of the retaining walls?

MR. HUDSON: I think that the maximum height at any point is up to 17 feet for the majority of it, it's typically more on the order of six to eight feet.

MR. NUGENT: Would you do me one favor? Turn that to the audience and let them see where you are putting the retaining wall.

MR. HUDSON: Basically runs down, there's about two to three hundred feet there isn't one, then it starts and

runs back to where it exists today.

MR. TORLEY: What's the maximum height of the retaining wall now?

MR. HUDSON: We don't really know for sure, tell you the truth, it's approximately 10 to 12 feet, but it's not in any decent kind of shape to measure it, tell you the truth.

MR. TORLEY: My question really is as you're putting this in, facade work, are you going to be actually digging out in the back and putting up a higher retaining wall overall than is there now, actually going to be cutting out more dirt in the back?

MR. HUDSON: There's the one strip here that we'll be digging out.

MR. TORLEY: That's the one strip that borders a whole lot of people's houses.

MR. NUGENT: Take a look at this, Larry.

MR. TORLEY: The one in the back is in pretty bad shape.

MR. HUDSON: It's to make it a uniform run across the back here. So to answer your question, yes, that strip of land that exists.

MR. NARVA: One of the things that would be helpful if you can explain the grade differences between the shopping center parking lot and the residents behind which is why this is so high, it's not sticking up in the air, it's a reflection of the grade differences between the two adjoining uses.

MR. HUDSON: Where the residents are, it's approximately elevation of 315 where the road in the back is is going to be approximately elevation, 296 to 292, I think at it's lowest point.

MR. NUGENT: 19 feet.

MR. HUDSON: 17 feet roughly, okay, the side of it again we're not touching any elevations along the property line, just the side of it varies from an existing of 296 roughly in here and then it goes down for drainage purposes to collection point here, that's about 293, 292.

MR. NUGENT: Larry, does that answer your question?

MR. TORLEY: Yes, my next question is depending on I'm directing this to Mike, I gather the town board is in the process of reconsidering our parking space requirements and the proposal is 9 x 19 with 24 foot aisle.

MR. BABCOCK: That's correct.

MR. TORLEY: Gentlemen, you're saying overall the commercial sites in new malls going up are pretty much 9 x 18?

MR. HUDSON: That's correct.

MR. TORLEY: I remember at the last presentation there was a standard proposal, I forgot the name of the group.

MR. HUDSON: ULI.

MR. TORLEY: Proposing a national standard of 9 x 18?

MR. HUDSON: That's correct.

MR. NUGENT: Have you parked over there lately, Larry?

MR. TORLEY: I'm not worried.

MR. NUGENT: I'm very worried about it. I'm very worried about 9 foot wide space, my car's got dents all over it from going over there, I'm very worried about that, I think I would rather give them a bigger variance for the number of parking places than I would to give them the change in width.

MR. TORLEY: You'd rather ten foot than 9 feet?

MR. NUGENT: I'd rather ten foot.

MR. TORLEY: I don't know if the length is as important as the width.

MR. HUDSON: The two tie into each other. The more that you have in length, actually the less you have in width, because it enables the movement into the space, if you get the middle of the space, there's not that big of a problem. What happens most of the time if there's a shorter distance or a lack of available moving room, people have to, you veer towards one car and cut it back at the last minute. So you're too close to one car and people don't like to back in and out, so actually, they are related a little bit, the lengths with the widths.

MR. TORLEY: My point you'd rather see 10 x 18 than 9 x 18?

MR. NUGENT: I'd rather see 10 x 20, personally, I need a little explanation on that while you're up on this parking comparison that you gave us, on the 10 x 20 spaces with a 25 foot aisle, you're saying that you would lose 200 spaces, is that less the variance that we already gave you?

MR. HUDSON: That would be increasing the variance of 196 or whatever by 200.

MR. SWEENEY: It would bring it up to 396.

MR. NUGENT: Which we gave you a variance of not including that.

MR. HUDSON: Not including that, correct, so it would be short from 406 to 606 or if you took the existing variance out would be 396.

MR. SWEENEY: Understand.

MR. NUGENT: You'd be short.

MR. HUDSON: Yes.

MR. TORLEY: This is such a major reconstruction of the site, at least mentally, I'm going to be looking at forgetting the existing variances for which you're looking for your changes starting from scratch, if this was coming in as brand new, you'd require how many parking spaces?

MR. SWEENEY: 1,074.

MR. TORLEY: You're providing, if you use the 10 x 20 you're providing 1,000?

MR. SWEENEY: 1,049.

MR. TORLEY: So you're short several hundred?

MR. HUDSON: Correct.

MR. TORLEY: Even at the best, you're still going to be short 400.

MR. SWEENEY: 406.

MR. HUDSON: Correct.

MR. SWEENEY: That is without again without the variance.

MR. TORLEY: I know, I'm just mentally looking at this because most of it isn't there now, given this, and my recollection as it is now, that the parking lot really doesn't get more than about 75 or 80 percent full most days except for on Christmas and all bets are off around Christmas.

MR. HUDSON: That's correct and I would say it would even be less than that.

MR. NUGENT: I don't have a calculator, what's 75 percent of 1,700?

MR. TORLEY: About 1270.

MR. NUGENT: 9 x 18 you're right on.

MR. HUDSON: Again, with all due respect to the board, the 9 x 18 has not only been established by ULI, but by the tenants themselves, they don't want dents in cars anymore than the customers wants dents in his car and 10 x 20 space, I am absolutely certain does not prevent dents in cars because typically, that happens when people aren't paying attention and just swing the door open. So that being the case, again, considering both points, the amount of usage at any given time, other than a holiday peak for the center as well as trying to consider what both the tenants and the customer and just proper planning projects, we think that the 9 x 18 is adequate. Ideally, if we had all the room in the world just like you might use an I beam instead of a 2 x 4 is it going to be stronger, yes, is it necessary, not necessarily.

MR. TORLEY: One of the things as I recall from your earlier presentation is as part of this, the overall grade of the parking lot will be flattened out so you won't have the big long slope for a shopping cart to have the head of steam.

MR. HUDSON: The intent is to not only provide more parking is also to take the monstrous grade change between Shop Rite and the grade above it out of the picture so all the spaces are a lot more usable and flat.

MR. SWEENEY: For those of you who don't know what ULI means, that is a group, a national group that does analyze and set standards for land use policy throughout the United States taking into consideration industry standards, board's concerns, public comments and so forth, they are a very well recognized group that's been around a long time.

MR. TORLEY: Other question I had was on signage but I will hold off on that.

MR. NUGENT: I'd like to ask one question on the pylon signs, you based on, unless I haven't read far enough yet, I didn't really get a chance, what was the height of them?

MR. NARVA: 35 feet.

MR. NUGENT: Is there a major reason for 35 foot high signs in lieu of say a 20 foot high sign?

MR. NARVA: Just a matter of proportion of the sign and realizing that one would be for one anchor, one would be for the other and probably a couple tenants. Remember, the number of tenants here you're not going to get them all on a sign. You don't want to. But you're going to have over a period of time three or four or five major tenants, two anchors and so even with that, we're looking at signs that are not particularly large, they may be ten feet by four feet high, some of the signs in order to fit on a pylon because the pylon we're talking about is not only the sign, it's the structure and architecture, so it's taking the time to put the base and top on it, that is the sign itself only makes up less than half of that but what we believe if you look at what happens along the street, you just don't want signs, you want to try to make them more architectural in nature. This is an example of one that came up at Cortland Town Center.

MR. TORLEY: So you're looking at roughly approximately 25 or so tenants all told?

MR. NARVA: Could be, I mean that would probably change as times change a little bit, yes, 25.

MR. TORLEY: But if you go to the mall at Nanuet, they've got one big sign that says Galleria.

MR. NARVA: There's a very big difference.

MR. TORLEY: Not all the tenants are listed, those face in, rather than facing out.

MR. NARVA: Without spending a lot of time talking about the concept of a mall, a mall by its nature has three or four anchors and it creates its own internal street and all the signage is internalized because people don't identify any particular tenant, you don't to go one tenant and leave.

MR. TORLEY: I'm not concerned about the signs you're going to have on the building because I'm glad to see you're putting in information and replacing the box signs, I'm thinking more of 35 foot tall stone pylon.

MR. HUDSON: Just to add to what Ken said from an engineering standpoint, a center like this has a tendency to have much more of a pass-by traffic routine than would a regional mall, regional malls a destination people go there and hang out there in a situation like that someone might be going by and not so much for the Shop Rite or the Caldors, but for some of the smaller uses.

MR. NARVA: I have a thought, I think that we could that you have to prioritize the signs and I think if you did that, our position I don't mean to cut you off but--

MR. HUDSON: But you did.

MR. NARVA: I think and I don't mean to turn my back on the public, it's hard to do both, but I think that the two signs on Route 32 are more important one for each anchor and the two other pylons aren't as significant and they are on smaller more neighborhood roads. So two alternatives, one is that we keep the larger two pylons here, two, these become much smaller pylons or these could become ground signs, and just the two pylons here at the 35 feet, we would be comfortable with that. It's not inappropriate, it's not 32 where, it's on 32 where you're going faster, we need something to define the entrance, I don't mind making them either ground signs or compromising much lower 10 or 15 feet in height. We don't want to have any problem of any interference with neighbors who are residential there, that is a commercial street, it's been here a long time, the project, we do not want the implication to the residents, so we don't have a problem with that at all. And then two small ground signs interior because as you drive in through the entrance, you need to have some idea which way to go, maybe Caldors this way or Shop Rite that way, otherwise, people stop, they don't know where to go. You made a very important point, we

have really reorganized circulation on this site, site work is radical, it really is basically a whole new site. And so the organization of that into pockets of parking is very important. It's the quality of the parking as much as is the quantity of parking. One other piece of information which is of value, in a traditional shopping center today, as much as a third of the parking to meet zoning is behind the building in a lot of places and nobody ever parks there. All of this parking, almost a hundred percent of it is right in front of the uses and the lots are not too deep, the aisles are not too low, we don't have a parking lot that's got 800 cars in it. As a result, between the islands, the buildings and the drives, we have broken the parking fields down into much shallower ones and spread it out along the front of these stores which means the quality of parking is better, it's distributed more evenly. One of the reasons the ULI, the ITE and all the groups like the 9 x 18 is because it reflects the size of most people's cars today. So, it's something that we use all the time and there's usually a conflict between the amount of paved macadam and the number of places, the amount of landscaping and the size of stalls and reaching a reasonable compromise. Here, if you look at the rendered site plan even here, we're making a big deal of the ends of each aisle, concrete curbs, major trees, plantings, so that you define those drives and walkways, that is very important, none of it exists today. So, it's not only that we're putting more cars here, and much better cars or staying in very shallow slopes and distributing the cars more evenly, we're taking what could have been parking places and putting landscaping, significant landscaping into the parking field, which is really much better because this project has tremendous frontage along Route 32 and it's perception as a project is very important. So the quality of the parking fields in our minds is just as important as quality of the building and you'll see a really a radical change to the perception of this site. So Cabot's group and we are working with tenants and ourselves and the owners, try to balance that, I'll tell you we've done major studies all over, nobody uses the parking, they think they need the supermarkets that says they need 5 per thousand never uses more than a

certain number and it's because people shop more often, two people working in a family, they shop at night, they shop in the day, it's really spread out, lifestyles have changed, it's a reflection on how you park. In a lot of communities today, the parking ratio is going down to 3.5 per thousand, you're going to see a change and really improvements into this site of more landscaping and the better quality of it so--

MR. TORLEY: So, you're talking Old Temple Hill Road and Old Forge Hill pylons to ground size which are, maybe look about 6 feet high?

MR. NARVA: We don't have a problem with that.

MR. KANE: Can you move on the 35 feet?

MR. TORLEY: How tall is the Burger King sign? They wanted it taller.

MR. NARVA: We could probably come down to 30 feet for those two but remember, that is not just the sign that is the architecture, it's 7 feet at the top so the sign really--

MR. NUGENT: The two main ones I don't have a problem with.

MR. KANE: The side ones because those are very small.

MR. NUGENT: The side one's 15 foot, whatever we allow are fine.

MR. NARVA: We'll make them ground but we really need the two.

MR. TORLEY: What about the existing?

MR. NARVA: Relocated if we can get rid of it, we would, but I think it's part of the lease, we don't have control of things that have been improved before because we don't, it's not a, we would change the sign.

MR. TORLEY: What about the Burger King sign?

MR. NARVA: We'll change the sign the next opportunity the landlord has control over that tenant.

MR. NUGENT: Any more questions by the board right now?

MR. KANE: No, let's go to public.

MR. NUGENT: I'd like to open it up to the public. Keep your comments brief, to the point and try not to be repetitious.

MR. JACK BARRETT: I had a couple of questions, I came up here, name is Jack Barrett, I live at 55 Vails Gate Heights Drive, which is right behind the proposed project. I didn't come up here with an ax to grind, I think it's very commendable at what I see. A lot of my questions have been answered by the gentleman that got up and addressed the audience. I do have a couple though, did I hear someone say or mention underground parking or basement parking?

MR. NUGENT: Underground.

MR. BARRETT: Where is that to be located please?

MR. HUDSON: Basically familiar with the wite, you know, the big dropoff right in front of Shop Rite, well, basically we're going to eliminate that, we're going to cut out all that material and this area from here on over will be all level up in here, this area will be approximately ten foot lower beneath this area, will be covered parking, so it will be basically like the first floor of a parking deck.

MR. BARRETT: Underground parking deck we had heard originally that it was supposed to be on top of the building.

MR. HUDSON: No.

MR. BARRETT: This was a rumor going around, a lot of people were concerned. How do you propose to exhaust fumes?

MR. HUDSON: Well, actually, this situation, majority

of it will be open air, I think there will probably be some design for exhaust, we haven't gotten there yet, to tell you the truth. It's not a major requirement, it's open on two sides, the back the north corner may have some exhaust in it, it will come up from this building, it will come up through the building for the exhaust for that. That will be addressed in the actual design.

MR. NARVA: It will come up from this corner right here.

MR. BARRETT: That is cause for concern, the other item I had--

MR. NARVA: Why is that cause for concern?

MR. BARRETT: We live behind that.

MR. SWEENEY: We need to resolve these issues at the planning board.

MR. BARRETT: I just want to know where I stand on this. The other thing was the retaining wall you said 17 feet high?

MR. HUDSON: In its worst case.

MR. BARRETT: Approximately 300 feet long?

MR. HUDSON: No, 300 foot reference came to a point where it doesn't start until you get 300 feet into the site and then it runs, you know, continuously where it exists today as well as certain areas in here where it doesn't exist.

MR. BARRETT: Why so high?

MR. HUDSON: Basically because there's a bump out of property that comes onto the site on this property that is now I guess slope area, we're just cutting back in so nothing changes up here, it's all just an existing slope that we're just cutting into and putting a wall.

MR. BARRETT: There's a buffer zone, there's some green

trees and such but would it appear to be like a Berlin Wall, look out our back window and see this?

MR. HUDSON: You won't see anything because you're on the high part.

MR. BARRETT: But the grade variance, I don't believe it's possibly 8 feet and I don't know.

MR. HUDSON: Depending on where you are, it's only 8 feet, it's really just one section that is that high, somebody asked me for the worst case.

MR. BARRETT: I hate to see my house go down because of a goddamn wall, excuse me.

MR. HUDSON: From where you sit, whether it's this or it's 90 degrees, you're not going to be able to tell the difference, so from where you are as the residents there will be no visual change just on this lower side, it gets cut in inside of a slope.

MR. BARRETT: The other thing was the height variance specifically what was that for? I notice in your I think it's one of your drawings there, I can't see something on the end seems to be rather high, is that--

MR. HUDSON: The tower at the end.

MR. BARRETT: That's the reason for the variance?

MR. SWEENEY: That's part of it, yes.

MR. BARRETT: My question to the board was--

MR. SWEENEY: The belfries are not part of the variance, that's an exception in the Town of New Windsor code, it's the overall height of the building.

MR. BARRETT: See, we read this notice and it stated and a lot of us, the residents were totally unfamiliar what's the building height, the code requirement for a commercial building in the Town of New Windsor.

MR. BABCOCK: Depends on--

MR. BARRETT: I heard 24 feet.

MR. SWEENEY: The requirement is 24 feet, the request is about 30 feet and there's an existing variance of 13 feet in place, we're not going to be any higher than we are now.

MR. BARRETT: With the old Shop Rite that's a truss roof and that thing is rather high, about 40 to 45 feet high, if you're requesting a variance going from that.

MR. HUDSON: No, no, no, let me just explain, it's the area back in here and I don't think we even need it any more, tell you the truth, I'm not sure we can go back and look at that, are you, do you think we need one with the new plan?

MR. BABCOCK: I'm not sure, we have to look at that.

MR. HUDSON: We have to look at it but basically, the reason for the height variance, I was based on the distance from the rear property line, has nothing to do with making this higher or anything. It was really just because of the proximity of the existing buildings or previously, when we weren't getting into this, we thought we were too close over in here and we're not anymore, so I believe we're okay, but this regulates how high the building is.

MR. NARVA: Our highest point is lower than some of the buildings today.

MR. BARRETT: Okay.

MR. NARVA: No parking on the roof.

MR. TED TANNER: Ted Tanner. I really like the concept, I think it's a great improvement over what you have there now. However, I think the parking's a disaster. I don't agree with your size for the spaces, I agree with the chairman, I think that that is a good size for a space, if you're driving a pickup or one of the new SUV's, one of the bigger ones, you're not going to get in that space. You just aren't.

MR. HUDSON: Okay.

MR. TANNER: And I think that solution you offered was you'd come back for a larger variance, you can also have less square footage and meet the parking.

MR. HUDSON: Just so you know, too, the square footage increase on the site is very, very small for a site this size.

MR. TANNER: I understand.

MR. HUDSON: But the whole concept of coming back in and reorienting the parking and making it much more user friendly and much more efficient. The second point I would make before Ken jumps in here is twofold. One, I drive a Suburban, I know to drive a Suburban into a 10 x 20 space is very difficult, but as far as the majority, Explorer is the same basic wheel base as a Taurus, just higher off the ground, basically, I'm just going from what the ULS established.

MR. TANNER: There's more vehicle there.

MR. NARVA: I think--

MR. TORLEY: I drive a Neon, so I don't worry about it.

MR. TANNER: I don't, that's why I do worry.

MR. NARVA: I take your comment in the right spirit, but that really that comment reflects on something we run into often which is take that building down let's make it a park.

MR. TANNER: I'm not saying that.

MR. NARVA: This building is very old and it's, I don't know if you take all the square footage well over 300 square feet existing. It's not really the public need to know the total budget going in here, but the only reason you see the extent of improvements on this site is because we're able to reconfigure the existing square footage. The major tenants, Shop Rite and

Caldors, pay very, very, very little rent for a long long time. The Rosenberg family's commitment to the town is from my experience very unusual. Their commitment to dollars to this project is not a new building area but the site improvements, I find extraordinary, the parking ratio--

MR. TANNER: I'm not saying you have to make it smaller. What I am saying there's more than two alternatives, that's a third one. I think the parking has to be looked at. I just think you're trying to squeeze too many spaces into a too small an area, that's all. I think anybody that's used the existing Shop Rite parking lot finds it difficult to get in and out of those spaces. I think your landscaping is great, I have no problem with that, I think that's a big addition. The parking lot now is terrible. But I think you're going to have problems getting vehicles in and out, you're trying to get too many spaces in too small a place, that's all.

MR. NUGENT: Ted, one thing I don't know if you notice but they turned the parking completely around.

MR. TANNER: I did.

MR. ALIX MARIETTE: Yes, I've got a question on the trucking and loading deck. Alix Mariette, 93 Vails Gate Heights Drive. The trucking and loading deck, right now, right now, we have the trucks that come in the back and you're still doing the same thing, running from the wall, the existing wall on the building, how fast are they going to be able to come back there?

MR. HUDSON: They are not coming very fast. Once they enter into this area, it's like five or ten mile an hour strip, one, because it's narrow.

MR. MARIETTE: Is it going to be a lot larger than it is now or smaller?

MR. HUDSON: No, it will be approximately the same size as it is now in here, even, it's even a little bit smaller, I think that for trucks right in here, it's only about 15 or 18 feet wide back in other spots wider

because you may have a UPS truck park and you need to have vehicles get by.

MR. BARRETT: Is that the only means of ingress or egress?

MR. ROSENBERG: The supermarket has indicated that their truck access will come directly off Route 32 and come straight back, that's Caldors. Existing supermarket trucks come back here and sometimes they come off Old Temple Hill Road, they have indicated they'll be coming directly off 32 straight to the back.

MR. MARIETTE: A lot of commuters use that parking space where you have Old Forge Hill Road. Are they still going to be able to use that space?

MR. ROSENBERG: I mean, are they still going to be able to use it, we don't have any restrictions on the commuters using the space, and we're not limiting the commuter's use of the space, I'll let you know. If it does snow, there may be a problem that's currently, there may be a problem with snow plowing cause the snowplow guy calls me up every time it snows, he doesn't want to plow in the cars that are there. So currently, we're not, we do not plan on restricting commuter parking but, you know, that's today, I mean, I can't, I don't know what it's going to be like in the future, depends on what happens with the traffic flow.

MR. TANNER: I think the board should consider if they are going to grant 9 foot by 18 space that the town then upgrading to a ten foot space or something larger most people that have property are going to develop say hey, if Shop Rite can have all these hundreds of spaces at that size, why not me. I think that's going to happen, so I think you ought to take that into consideration when you do your deliberation.

MR. NUGENT: Town is in the process of adopting a new code, but as of this point, they have it done as of tonight, they have it done.

MR. TANNER: If they are going to allow the largest parking area in the city in the town to use that then

you're going to have to allow everybody else to do it.

MR. NUGENT: You're right. Anyone else?

MR. CHRIS ECHAS: Chris Echass. I do have a concern with that 17 foot high retaining wall by your own admission, there's a lower retaining wall which is not maintained now, I fear for the residents' children that live behind it, I'm sure that if there's a 17 foot high retaining wall, the folks who are doing this building would probably for the safety like then to put a fence on top of that to be sure that nobody is going to fall off of it, and so on and we're talking about this on the property line. You folks cannot put a shed nor can I in this town within ten feet off a property line.

MR. KANE: Without a variance and that is what they are looking for, a variance.

MR. ECHAS: That's right and you know a shed of eight or ten feet and they are talking, they talk about a major reconstruction and reconfiguration, although I know it's not my place and I know that they have experts that look at this, why they couldn't reduce the length of those buildings so that they can get their ten feet and still have their drive-through with the loading bays and move the loading bays away from the residents. I think asking the board for these is really, really something major, it's not a small issue.

MR. NUGENT: Anybody else?

MR. TORLEY: Sir, your plan does show a fence on top of a retaining wall.

MR. HUDSON: Six foot high chain link, that is what it shows.

MR. NUGENT: Retaining wall, it will be made from concrete.

MR. HUDSON: Probably modular block or concrete in some sections.

MR. BILL COLON: Bill Colon, 259 Vails Gate Heights

Drive, there's a creek that runs parallel to that parking, what are their plans with that?

MR. SWEENEY: That is a wetland area, I think are you talking in this area? You'll see most of this is blank because it is federally designated wetlands and there will be nothing.

MR. COLON: But there's a creek running adjacent to Old Temple Hill Road.

MR. BABCOCK: Right next to Shop Rite.

MR. SWEENEY: That's what I'm pointing out.

MRS. COLON: It will just remain the same?

MR. BABCOCK: I'm sure they are going to put additional piping in.

MR. HUDSON: Right in here, there will be pipe down.

MR. NUGENT: Are there anymore?

MS. FRAN SHAPIRO: Fran Shapiro, 45 Vails Gate Heights Drive. I agree with this gentleman and his concern about the retaining wall, I see that also in the same light as he does. I also am concerned about the loading docks and the noise because presently, I have lived on Vails Gate Heights Drive for over 30 years and I guess this gentleman is Mr. Rosenberg, your dad.

MR. ROSENBERG: My grandfather.

MS. SHAPIRO: One of them sent me a \$25 check because they charged me for their, for my suggestions and my care and concern about the shopping center, he was very concerned on a personal level. So, my concerns are retaining wall, the loading docks that we shouldn't hear the noise presently from about 4 to 6 every day, every morning, there's a sweeper going and it sounds like a very loud lawn mower, so that's one thing we're dealing with.

MR. ROSENBERG: The sweeping is in the back of the--

MS. SHAPIRO: Well, a gentleman, I got in my car one early morning to try to track the noise down, and he was in his big truck just cleaning up the parking lot and I said there are lots of people out of jobs, maybe we can do this during the day. We learn today a little baby is woken up by that noise and I'm sure there are others in the community that hear the noise. So, I'm wondering about the loading docks, I know when I'm visiting and there's a Home Depot, there's a lot of beep, beep, beep, beeps going on during the night, so I hope we won't have those beeps because we're in a very crowded development. Have you, any of you come down to Vails Gate Heights Drive?

MR. HUDSON: Yes.

MS. SHAPIRO: You've been there visiting, so you see the school and the children and the buses and where you have the entrance on Old Forge Hill Road, I don't know how much traffic will be going in there with the children and the buses. Have you ever been there when the buses start coming? That's my concern. The buses, the children and what kind of traffic are you going to allow in that way? That's the other concern. So it's the noise, the wall, the loading docks so where are those loading docks, you know, how far down are they going to go? Are they going to be towards that opening on Forge Hill Road?

MR. SWEENEY: Maybe I can help.

MR. HUDSON: The retaining wall, regardless of whether it's four feet from the property line which I think is four or five feet as is designed today or it's ten feet which we're permitted to do, it will be the same height. The function of the height is going to come from where the excavation takes place and the contours and I can show it on this plan but nobody can see it, the contours that cause the elevation change are well into the property. So, whether that wall is ten foot out or five feet out, the height is the same, that's the first issue. Second issue regarding the loading docks, the majority of the stores along this rear property line with the exception of Caldor which exists

today and I don't think we're not changing those activities or that placement whatsoever, so if this exists today, it exists today, I don't know how to speak to that, but these are not intensive loading users, they are not tractor trailer type uses, with the exception of the day the store opens, probably.

MS. SHAPIRO: You're talking about the other stores going towards Forge Hill Road, the smaller stores is that what you're referring to?

MR. HUDSON: Yes, I'm sorry, yes, okay, the two places that have what you would call tractor trailer type loading operations are the Shop Rite and the Caldor. The Caldor is much less intensive. The Shop Rite probably averages five to six trailers a day, maybe four to five trailers a day, and those hours of operation I think Jeff will probably speak to better than myself but it's not an intensive use, they are not loading along that, they're coming in the front of the site off of 32, coming here, unloading and going out that way. So from the load perspective, it's our position that it won't change at all from what you have today.

MR. ROSENBERG: Is there a way to baffle the sound on top of that wall?

MR. HUDSON: The wall itself will serve as a better baffle than what you have today. Sound waves, I'm not a sound expert so off the record, sound waves from what I understand of them travel along the surface, if that surface is perpendicular or 90 degrees to the sound waves, it is muffled. If it travels along the slope, it's less muffled, if there's vegetation, it's more muffled, if there's structure, you see the ridiculous things on highways that don't do much good, people pay a lot of money for, depending on what you're looking at, the wall will actually serve as a better sound buffer than what exists there today, I think.

MR. SWEENEY: What I wanted to say is that a lot of your questions which are good and valuable and they help the design people understand your concerns are going to be addressed and must be addressed in the

planning board process. They're more appropriate there and you're going to get your opportunity because this is going to be a fairly extensive planning board process with an additional public hearing and you're going to watch this whole plan with regard to the retaining wall and the buildings themselves, you're going to watch it grow and you're going to have your opportunity to partake in that.

MR. ECHAS: Was I mistaken, are you actually requesting to build that retaining wall on the property line?

MR. HUDSON: No, we're requesting to build it within the ten foot required ten foot setback.

MR. ECHAS: Not on the property line?

MR. HUDSON: No, it's about four or five, six foot off of it, the way it's designed. And it's now four or five feet off that same property line.

MR. ECHAS: In some cases, it's probably on the property line but yeah. My final question or concern naturally why I came is this, you specifically talked about a deteriorated retaining wall, if it's on your property now and you're not maintaining it, how do we have assurances this is more directed to Mr. Nugent perhaps how do we have assurances that they'll maintain this retaining wall?

MR. NUGENT: Because the building inspector will make sure that it is maintained as part of the building code.

MR. HUDSON: Just to add though that the type of wall constructed 30 years ago was a wood structure and I'm not sure if there was any great design to it at the time and this wall will be of some type of concrete whether it be modular, block or concrete reinforced wall.

MS. SHAPIRO: I heard Mr. Nugent say an answer to the gentleman's question that the building inspector will see that it is maintained, is that correct? Okay, so my question would be has the building inspector seen

that it had been maintained all these years and it had been crumbling?

MR. NUGENT: Probably no one complained about it.

MS. SHAPIRO: Do we have to complain to get the attention?

MR. NUGENT: How would he know? If he doesn't drive by to check it, somebody has to make a complaint, normally that's how it's done.

MR. TORLEY: Physically, he can't be everywhere in the town checking on every structure.

MR. NUGENT: We're getting off the beaten path. I'd like to cut this as close as I can because it's quarter after ten, we still have a long way to go. Is there anyone else that has questions that are involved at this point? I'm closing the public hearing and we'll open it up back to the board.

MR. TORLEY: I'd like to ask one question on your retail C, you show outdoor play yard, what's that if this is going to be a daycare center, we want to know about it.

MR. SWEENEY: We haven't decided, it's a facility that we really haven't committed ourselves to. There's some attraction to some additional retail we thought we'd put it in now.

MR. TORLEY: You're not talking about a daycare center?

MR. SWEENEY: We don't know at this point.

MR. NUGENT: I don't think we want it to be.

MR. TORLEY: That's why we want to know.

MR. SWEENEY: Jeff, they are asking what your intent, if you have any specific intent with regard to--

MR. ROSENBERG: Not at this point in time, we don't have any signed leases for the new space.

MR. TORLEY: Because my recollection is that daycare centers will not be permitted in this zone.

MR. KANE: Then we're not handling that right now.

MR. TORLEY: I want to make sure that we're not.

MR. NUGENT: They are not allowed.

MR. KANE: Not allowed, we don't have to deal with it, let's deal with what we've got.

MR. NUGENT: As far as I can seem we need some kind of resemblance of order to get through this and I think what we need to do is looking at our agenda, start with the variance for parking space size, address it, vote on it and go on to the maximum building height, address it and so forth on our way through this. That's the only way we're going to get through it tonight.

MR. REIS: Mike, the existing code for parking?

MR. BABCOCK: 10 x 20.

MR. REIS: What's the proposed?

MR. BABCOCK: 9 x 19.

MR. KRIEGER: Very poor, the aisle width, the present is 10 x 20 with a 25 foot aisle width, the proposed is 9 x 19 with a 25 foot aisle width, what the applicant is asking for 9 x 18 with a 24 foot aisle width.

MR. TORLEY: Which is what the ULS is recommending.

MR. KRIEGER: Because at the time, the time the proposal was made or was began to be considered by the town, the town asked the planning board for in accordance with the town statutes asked the planning board for a recommendation and their recommendation was 9 x 19 but they were very, expressed themselves very strongly with respect to keeping the aisle width at the 25 feet as it is presently required, so you should remember that although there's been focus on length and

width of the parking spaces, there are actually three components.

MR. BABCOCK: Mr. Chairman, one thing about the parking spaces, the amount and number is going to be depending on what size the parking spaces are.

MR. NUGENT: I understand that and that's why we need to address that first one.

MR. KANE: So, if you go with the 9 x 19 with a 25 foot aisle space, they are going to need a 453 car variance not including disregarding anything they need.

MR. BABCOCK: They need to help us with the number because I don't have it myself.

MR. HUDSON: Let me offer a suggestion that we just spoke about. Due to the public comments and your own comments, what we'd like to offer up right now as a pseudo compromise since we know what the affects are is to come and just ask for the variance to what you're proposing your code to be which would be 9 x 19 with 25.

MR. NUGENT: What's the final number?

MR. HUDSON: Final number would be 149.

MR. NUGENT: What are we short?

MR. HUDSON: 406 and 47, 453.

MR. TORLEY: So you're requesting a variance of 453 spaces.

MR. KANE: Just to clarify the 453 is what they need total, it's not in addition to any that they already have?

MR. HUDSON: Yeah, but that's a legal issue too, I don't know, does that mean the old variance goes away, are we adding a new variance?

MR. SWEENEY: There's 213 floating out there somewhere.

MR. KRIEGER: I don't perceive the board as answering that question right now. I think Mr. Kane's question has to do with simplification so that the board does not inadvertently give a greater variance than they intended, just so that everybody is clear what's being asked for and what's being granted, if in fact it is granted.

MR. TORLEY: Would the applicants be amenable to this, that when we pass or when we bring up a variance request, that we put it, that we do it this way, makes it much easier for me to keep track, it may make bookkeeping easier that as part of the variance request you say, for example, with the parking you can provide 1249 with a 9 x 19 and you needed 453 forgetting we say that we grant a variance of 453, hypothetically, spaces and end the documentation, we say this supersedes and supplants the earlier parking lot variance.

MR. SWEENEY: Doesn't bother me.

MR. TORLEY: That means we only have one set of variances.

MR. SWEENEY: I don't have any problem with that theory.

MR. NUGENT: I go along with that, yes, that would help everyone.

MR. TORLEY: In that case, are you ready for a motion on the parking space area?

MR. NUGENT: Fine.

MR. TORLEY: I move that we grant a variance for 455 parking spaces at 9 x 19 with 25 foot aisle width.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE

MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Maximum building height, what's the actual what we're looking for 4 foot something?

MR. SWEENEY: Yes.

MR. BABCOCK: Mr. Chairman, that's a--

MR. SWEENEY: As far as may not be needed any longer because of the relocations of the buildings.

MR. BABCOCK: That is a solution of the distance to the nearest lot line.

MR. SWEENEY: We moved the buildings back somewhat along Temple Hill.

MR. KANE: Well, we need to deal with it, do you need it or don't you need it?

MR. SWEENEY: I'll take it.

MR. TORLEY: Four foot building height variance?

MR. BABCOCK: Yes.

MR. TORLEY: I move that we grant the applicants a 4 foot building height variance.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Loading berths, I don't know how to handle that one.

MR. KANE: Can you explain that, what's needed?

MR. SWEENEY: Fifteen as opposed to your requirement is 29.

MR. KANE: So you need a variance of 14 loading spaces? They are saying they have a number of small retail stores that don't need their own loading dock and what they are trying to do is combine for the small stores because they have small trucks.

MR. KRIEGER: They are asking for permission to put fewer in, unlike the other variances where they are asking for more, but in this case, they're asking for fewer.

MR. SWEENEY: Nineteen, I'm told now.

MR. HUDSON: Our calculations show that we require 32 docks that is based on what the code says, yeah.

MS. BARNHART: What's the variance you're requesting?

MR. HUDSON: Requesting a variance of 19.

MR. TORLEY: I move we grant the request for variance in reduction of required loading docks of 19.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Last but not least is the sign.

MS. OWEN: How about the real lot line and the retaining wall?

MR. BABCOCK: Also the number of spaces, did we do that?

MR. SWEENEY: 455. Rear lot line retaining wall.

MR. HUDSON: For accessory building is supposed to be ten feet.

MR. SWEENEY: Ten feet if you consider this accessory building.

MR. BABCOCK: Last time when we, at the preliminary meeting, the board said that they felt that if this, what I recall if this wall was within the ten foot, you consider it an accessory structure and they'd need a variance.

MS. BARNHART: It wasn't on the notice of disapproval so we don't know what the number is, Mike.

MR. NUGENT: Aren't they replacing an existing wall?

MR. BABCOCK: Yeah, but in spots they are adding a section of wall that is going to be, well, there's no wall now.

MR. NUGENT: No closer to the building than the old wall was.

MR. HUDSON: Correct, no closer to the lot line than the old one was, correct.

MR. NUGENT: What do we care how long it is as long as it isn't encroaching on the property on the building?

MR. BABCOCK: I didn't have it on the denial.

MR. SWEENEY: It came up at the intake meeting.

MR. BABCOCK: There was a reason, Jim, and honestly thought it was the board's request.

MR. SWEENEY: Very quick comment that you considered it a structure, we had to put it in the packet.

MR. TORLEY: I don't remember.

MS. BARNHART: There is mention of retaining wall but nobody said much or whether they need a variance or not.

MR. HUDSON: The existing one is about two feet off the property line and we're not encroaching any further than that closer to the property line, it's just that our wall extends longer..

MR. REIS: You're not going up any hire either?

MR. HUDSON: There's a height increase but that is because of the grade dropoff.

MR. TORLEY: You're going to tell us that the retaining wall you're going to put in will come no closer to the lot line than the existing wall?

MR. HUDSON: I think that's right.

MR. TORLEY: If that is the case, Mike, are they covered?

MS. BARNHART: Is it considered a structure, Michael?

MR. BABCOCK: I think so, yeah.

MS. BARNHART: So, it has to be ten foot off the property line.

MR. HUDSON: Existing wall is as best I can tell five feet at the outset.

MR. KANE: Give them a seven foot variance for the wall and it's covered.

MR. TORLEY: Second the motion.

MS. BARNHART: Seven foot variance setback for retaining wall.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE

MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Signs I think we pretty much, 2 pylons are going to be 35 foot, the two on the other two rows are going to be maximum height 7 foot 11 inches.

MR. KANE: On the front pylons we're staying with the 35?

MR. NARVA: That includes all structure.

MR. KANE: Right.

MR. KRIEGER: Applicant should understand for the record that in the event the sign variances are granted, they are granted in accordance with the plans that you have submitted here, so it isn't some blanket thing that you can just, you've mentioned and you can redraw.

MR. NARVA: We'll submit a diagram.

MR. NUGENT: And the facade signs are exactly what they are asking for.

MR. KANE: Yes.

MR. NARVA: Two, four and six.

MR. KANE: I think that is reasonable.

MR. TORLEY: We do not have to label each one as to what they are.

MR. NUGENT: They are doing it right here.

MR. TORLEY: As per their package. I move we grant the applicants their requested sign variances for freestanding sign height in two cases and facade sign areas as described in their proposal.

MR. KANE: We also need on the freestanding area.

September 14, 1998

MR. TORLEY: Freestanding areas as described in the package.

MR. NARVA: This piece right as described in the package. Thank you.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

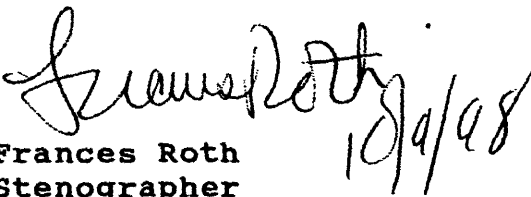
MR. TORLEY: Motion to adjourn.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

**COUNTY OF ORANGE****JOSEPH G. RAMPE**

COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET

GOSHEN, NEW YORK 10924-2124

TEL: (914) 291-2318 FAX: (914) 291-2533

PETER GARRISON

COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING**239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

Town of New Windsor

OCDP Reference No.: NWT 3-98-M**County I.D. No.:** 65-2-12,35

36,37

Applicant:

Town of Newburgh

Proposed Action:

Variance - Reconstruction of the Big V Shopping Center parking, Bldg. Ht., par
yd. signs, etc.

State, County, Inter-Municipal Basis for Review:

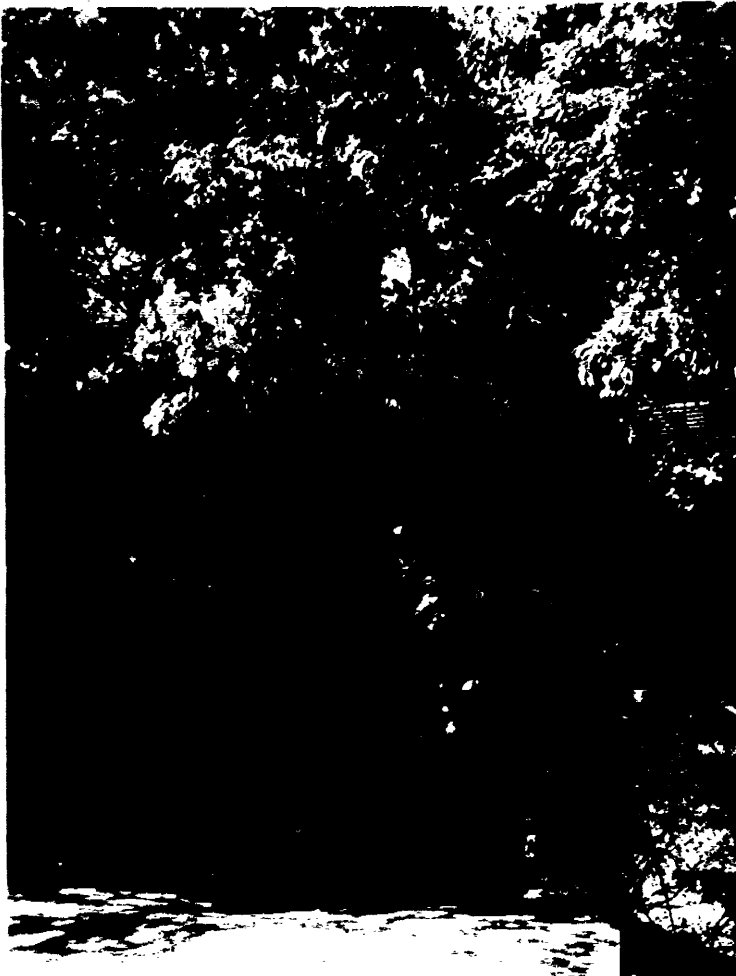
Within 500' of NYS Rte. 32

Comments:

There are no significant inter-municipal or countywide considerations to bring to
your attention.

Related Reviews and Permits:**County Action:** Local Determination X**Disapproved****Approved****Approved subject to the following modifications and/or conditions:****Date:**

E. Van der Vliet
 Deputy Commissioner



21. Northerly along near property
behind Existing Caldor



22. Northerly along rear property
behind Existing Caldor

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

ORIGINAL

APPLICATION FOR VARIANCE

48-28

Date: 8/19/98.

I. ✓ Applicant Information:

- (a) Bila Family Partnership, 158 North Main Street, Florida NY 10921
(Name, address and phone of Applicant) 651-7943 (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) James G. Sweeney, One Harriman Square, P.O. Box 806, Goshen NY 1092
(Name, address and phone of attorney) 291-1100
- (d) Cabot M. Hudson, River Drive Center 1, Elmwood Park, NJ 07407
(Name, address and phone of contractor/engineer/architect) 201-774-6200

II. Application type:

() Use Variance

(☒) Sign Variance

(☒) Area Variance

() Interpretation

III. ✓ Property Information:

- (a) C N.Y.S. Route 32 65-2-12, 65-2-35 24.6
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? yes
If so, when? September 25, 1989
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Outdoor Storage locker located 90 feet± Northwest of existing Burger King. This locker will be relocated.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No ^x_____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of use/bulk Regs., Col. I+0.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
loading berths _____	15	14
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____ 0 FT (retaining wall)	_____	30 FT
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>30 FT</u>	<u>30 FT</u>	<u>16.70 FT</u>
pylon sign _____	3	+1
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area <u>1684 spaces</u>	<u>1245 spaces</u>	<u>439 spaces</u>
10' x 20' space	9'x18' sp w/24'aisle	9'x18' spaces w/ 24'aisle

* Residential Districts only

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The use of 9'x18' spaces with a 24 foot aisle is an industry standard

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A See Annexed*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

See Annexed

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 8/19/98

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

B, 1st Family Partnership
by James G. Sweeney
(Applicant)
James G. Sweeney
Attorney
SUSAN F. SITLER
STATE OF NY

Sworn to before me this

19th day of August, 1998.

Susan E. Piller

SUSAN F. SITLER
NOTARY PUBLIC STATE OF NY
Qualified in Orange County
Commission Expires 10-30-1999

XI. ZBA Action:

(a) Public Hearing date: _____

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Big V Town Centre**Request for Signage Variances****I. FREESTANDING SIGNS****A. New Centre Pylon Signage****Proposed Pylon Signage:****1. Type:**

Internally Illuminated

2. Letter Type, Location and Quantity:

(4) Pylon signs that shall be composed of acrylic cut letters mounted on lexan; at location as noted on exhibit #1.

3. Size (Area and Height):

The Pylon Sign shall be substantially as shown on exhibit #2. The combined total of all signage, which includes the name of the Centre, the name of the owner, the logo and names of tenants, but excludes structural supports, shall not exceed 474 s.f. (237 s.f. per pylon sign face).

The Pylon Sign arrangement proposed will require the following variances:

1. Type:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[1])
Indirectly illuminated

Proposed:
Internally illuminated

Variance Requested:
Allow for Internal Illumination

2. Quantity:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[1] & [4])
(1) freestanding sign for any nonresidential business site.

Proposed:
(4) Pylon Signs

Variance Requested:
(1) Pylon Sign – requires Planning Board approval
(2) Pylon Signs – requires variance

3. Area:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[2])
64 s.f. total per pylon (includes both faces)

Proposed:
474 s.f. total per pylon (237 s.f. per pylon sign face)

Variance Requested:
410 s.f. total per pylon sign

4. Height:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[2])
15 ft.

Proposed:
35 ft.

Variance Requested:
20 ft.

B. Relocated Burger King Pylon Signage**Proposed Burger King Pylon Signage:****1. Type:**

Same as Existing

2. Location:

Relocate existing Burger King pylon sign behind setback line at location as noted on exhibit #1.

The Burger King Pylon Sign arrangement proposed will require the following variances:

1. Type:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[1])
Indirectly Illuminated

Proposed:
Same as existing – Internal Illumination

Variance Requested:
Allow for internal illumination as presently exists

2. Quantity:

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(a).[1] & [4])
(1) freestanding sign for any nonresidential business site.

Proposed:
Relocate (1) existing pylon sign

Variance Requested:
Relocation of (1) existing Burger King pylon sign

C. Directional Ground Signage

Proposed Directional Ground Signage:

1. Type:

Indirectly illuminated

2. Letter Type, Location and Quantity:

(2) signs that shall be composed of vinyl cut letters mounted on lexan at location as noted on exhibit #1.

3. Size:

The Directional Ground Sign shall be substantially as shown on exhibit #3. The combined total of all tenant sign panels, excluding structural supports, shall not exceed 22.5 s.f. per directional sign.

The Pylon Sign arrangement proposed will require the following variances:

The Directional Ground Sign arrangement proposed will require the following variances:

1. Quantity:

Allowed: (New Windsor Code -- Zoning, Section 48-18.h.(1).(a).[1] Et [4])
(1) freestanding sign for any nonresidential business site.

Proposed:
(2) Pylon Signs

Variance Requested:
(2) Directional Ground Signs

II. FACADE SIGNS**Proposed Façade Signage:****1. Type:**

Internally illuminated channel letters.

2. Letter Type, Location and Quantity:

All signs shall be composed of individual channel letters with an acrylic front. The channel letters are either mounted to a metal sign band or directly to the face of the building.

3. Size:

The size of a tenant's sign will fall into one of three categories based on linear square footage of storefront.

The Façade Signage proposed will require the following variances:

1. **Size (Dimension and Area):**

Allowed: (New Windsor Code – Zoning, Section 48-18.h.(1).(b).[1] & [2])

Sign face not to exceed 2.5 ft. height and 10 ft. width for a max. area of 25 s.f.
(max. height may increase to 3.5 ft. height when greater than 300 feet from street for a max. area of 35 s.f.)

Proposed:

Satellite Tenant

- Linear Frontage – up to 75 ft.
- Sign Dimensions – 2 ft. high x 30 ft.
- Maximum Area – 60 s.f.

Major Tenant

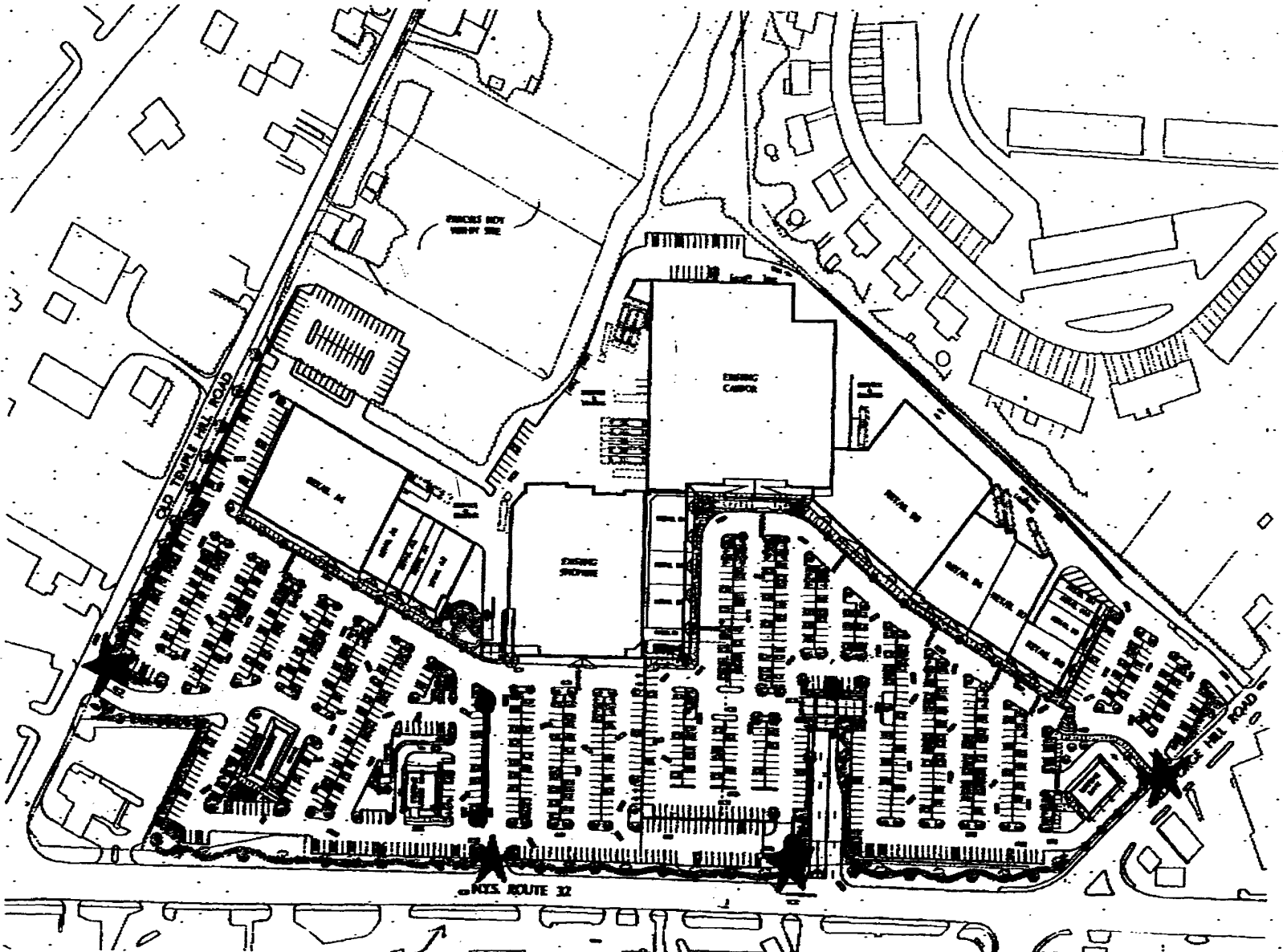
- Linear Frontage – 76 ft. to 225 ft.
- Sign Dimensions – 4 ft. high x 40 ft. max.
- Maximum Area – 160 s.f.

Anchor Tenant

- Linear Frontage – 225 ft. and beyond
- Sign Dimensions – 6 ft. high x 60 ft. max.
- Maximum Area – 360 s.f.

Variance Requested:

Proposed Sign Dimensions and Maximum Areas, as stated above.



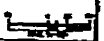
Enter Pylon.

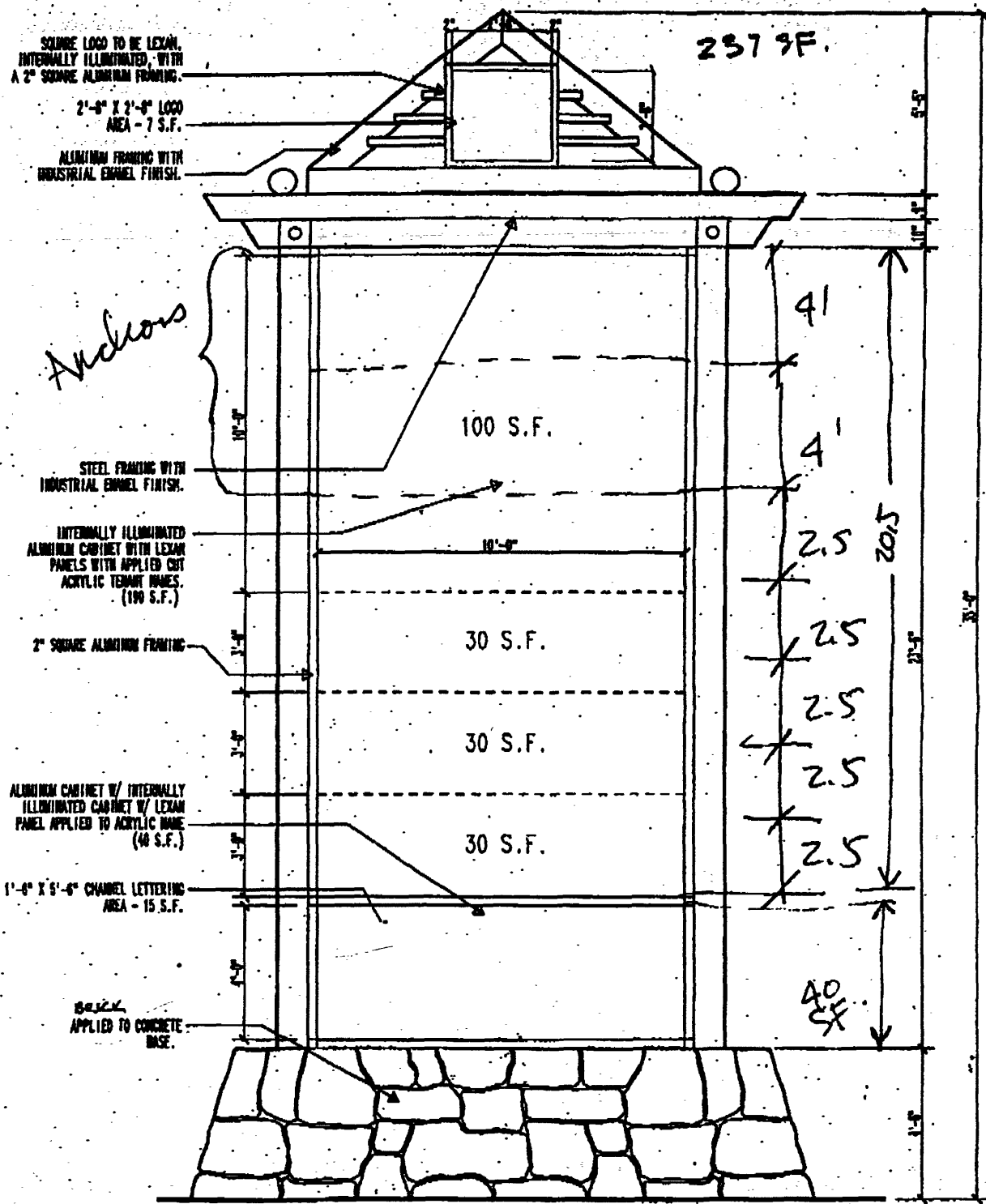


Main pylon sign
Directional sign



Relocated Fast Food Rest. sign



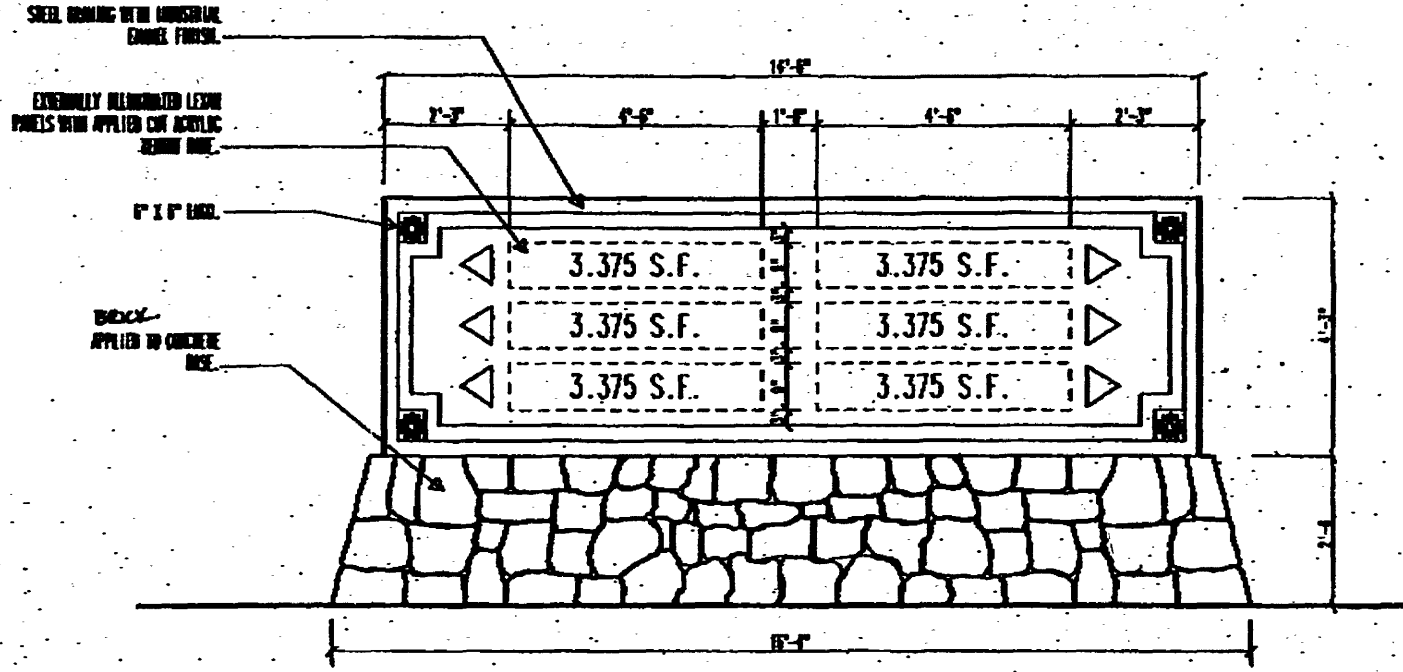


DRAFT

CENTER PYLON SIGN

SCALE: 3/8" = 1'-0"

EXHIBIT #2



DIRECTIONAL GROUND SIGN

1/2" x 1'-0"

DRAFT

GROUND SIGN

BOLTS: 1/2" x 1'-0"

EXHIBIT #3

65-1-88.1 PASSARO, JOSEPH STREET FRONTAGE VARIANCE GRANTED
RILEY ROAD (ACROSS FROM FILTER PLANT) #97-40 R-2 ZONE 12/08/97
REQUEST FOR 125 FT. REQUIRED STREET FRONTAGE IN ORDER TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON RILEY ROAD IN AN R-2 ZONE.

65-2-12 BILA FAMILY PARTNERS/HONG'S KARATE SIGN VARIANCE
GRANTED

374 WINDSOR HIGHWAY (BIG V PLAZA) C ZONE #97-18 04/30/97
REQUEST WAS GRANTED FOR REPLACEMENT OF FAYVA SHOE STORE SIGN WITH HONG'S KARATE SIGN WHICH REQUIRED A 6 FT. BY 8 IN. FACADE SIGN VARIANCE.

09/14/98 BILA FAMILY PARTNERS (BIG V PLAZA) #98-28
REQUEST GRANTED FOR VARIATION IN PARKING SPACE SIZE (WILL ALLOW 9 FT. X 19 FT. WITH 25 FT. AISLE, 4 FT. MAXIMUM BLDG. HEIGHT, 19 LOADING BERTHS, 7 FT. SETBACK FOR RETAINING WALL AND SIGN VARIANCES: 1 ADDL. PYLON, FREESTANDING SIGN; 410 S.F. TOTAL AREA FOR EACH FREESTANDING SIGN; 20 FT. HEIGHT VARIANCE AND FAÇADE SIGNS FOR TENANTS NOT TO EXCEED MINIMUM ALLOWED.

65-2-16.1 ERNENWEIN/ROSENBAUM INDUSTRIES AREA VARIANCES GRANTED
389 ROUTE 32 (WINDSOR HIGHWAY) #96-40 CZONE 9/9/96
5 FT. REAR YARD VARIANCE FOR AN EXISTING SHED AND 2 FT. MAXIMUM BUILDING HEIGHT VARIANCE FOR AN EXISTING FENCE GRANTED TO APPLICANT AT ABOVE ADDRESS.

65-2-16.21,22 & 25 DAIDONE/N.W. PARTNERS L.P. INTERP./AREA/SIGN VARIANCES GRANTED
REQUEST WAS GRANTED FOR CONSTRUCTION OF RITE-AID PHARMACY AFTER DEMOLISHING CHARLIE'S FARM MARKET LOCATED ON RT.32 IN VAILS GATE. VARIANCES REQUESTED: (1) INTERPRETATION: BOUNDARIES OF THIS PARCEL BEING PRIMARILY IN THE C ZONE AND THE PROPOSED STRUCTURE IS CONSISTENT WITH THE MEANING OF THE LAW IN SEC. 48-6; GRANT A 3 FT. 8 IN. MAX. BUILDING HEIGHT GRANTED. VARIANCES FOR SIGN GRANTED: RITE AID PHARMACY I.D. SIGN. NOTE: NO VARIANCE WAS NEEDED FOR DRIVE THRU PHARMACY FOR IT WAS CONSIDERED DIRECTIONAL. SIGNS: HEIGHT OF FREE-STANDING SIGNS DENIED. MAXIMUM HEIGHT OF FREE-STANDING SIGNS SHALL NOT EXCEED 15 FT. ; A 36 FT. SIGN AREA OF FREE-STANDING SIGN WAS GRANTED; SIGNS: VARIANCES APPROVED: (NUMBER OF SIGNS) "RITE AID PHARMACY" W/ "PHARMACY, "FOODMART" AND 1-HR. PHOTO ON AWNING TO BE COMBINED WITH "DRIVE THRU PHARMACY" AND "OPEN 24 HOURS", PLUS "DRIVE THRU PHARMACY W/ PICK UP & DROP OFF" FOR A TOTAL OF 4 SIGNS. (ORIGINALLY 6 WERE PROPOSED). AREA OF FACADE SIGNS: 168 S.F. OF SIGNAGE FOR AREA OF FACADE SIGNS ALLOWED. (SEE FILE IF THIS CONFUSING).

67-1-2.1 WILSON, SAM & CARRIE AREA VARIANCE #98-37 GRANTED 09/28/8
61 RILEY ROAD R-3 ZONE
REQUEST GRANTED FOR A 10 FT. SIDE YARD VARIANCE FOR EXISTING ATTACHED STORAGE AREA AND 6 FT. SIDE YARD VARIANCE FOR EXISTING PORCH AT ABOVE RESIDENCE.

67-4-21 MOSHHIL, INC. (MOSHE FRIEDMAN) USE VARIANCE TABLED 08/10/98
REQUEST TABLED FOR USE VARIANCE TO ALLOW THREE-FAMILY RESIDENCE IN NC ZONE ON ROUTE 94. USE NOT PERMITTED. MATTER TABLED TO ALLOW APPLICANT TO FURNISH BOARD WITH EVIDENCE TO SUBSTANTIATE HIS REQUEST FOR USE VARIANCE.

67-5-5 WALTKE, ROBERT S. USE VARIANCE GRANTED 06/08/98
1097 ROUTE 94 NC ZONE #98-1

PARKING COMPARISON

	<u>REQUIRED</u>	<u>PROVIDED</u>		
		<u>9' X 18' SPACES WITH 24' AISLE</u>	<u>9' X 19' SPACES WITH 25' AISLE</u>	<u>10' X 20' SPACES WITH 25' AISLE</u>
PARKING REQUIREMENTS:				
RETAIL STORES (5.5 SPACE/1,000 SF) =	1,631 SPACES	1,225 SPACES	1,176 SPACES	976 SPACES
RETAIL = 296,408 SF		(4.13 SP/1,000 SF)	(3.97 SP/1,000 SF)	(3.29 SP/1,000 SF)
RETAIL EXCLUDING STORAGE = 277,995 SF		(4.41 SP/1,000 SF)*	(4.23 SP/1,000 SF)*	(3.51 SP/1,000 SF)*
BANK (1 SPACE/300 SF) =	13 SPACES	13 SPACES	13 SPACES	13 SPACES
RESTUARANT (1 SPACE/3 SEATS) =	60 SPACES	60 SPACES	60 SPACES	60 SPACES
TOTAL: 1,704 SPACES		1,298 SPACES	1,249 SPACES	1,049 SPACES
* PARKING RATIO BASED ON RETAIL AREA EXCLUDING STORAGE		193 spots LOSS 49 SPACES	453 LOSS 200 SPACES	326 LOSS 200 SPACES

BUILDING AREA

	<u>AREA</u>
TOTAL EXISTING	267,000 SF
TOTAL DEMOLISHED	107,000 SF ±
TOTAL EXISTING TO REMAIN	174,305 SF
PROPOSED RETAIL TO BE CONSTRUCTED	129,264 SF



**Langan Engineering and
Environmental Services**

(201) 794-6900

Elmwood Park, NJ Doylestown, PA. Miami, FL

Project

**BIG V
TOWN CENTRE**

NEW YORK

VAIS GATE

Job No.

14670

Date

09/14/98

Scale

N. T. S.

Org. No.

1

USER = 14670, FILE 14670S1, WIN = PKICOMP

7/14/98 Public Hearing - Bila Family Partnership # 98/28

Name:

Address:

(no object.)

John A. Barrett

55 Vails Gate Hts. Dr.

Loris M. Barrett

55 Vails Gate Hts. Dr.

Wall

Fred Shipin

45 Vails Gate Hts. Dr.

R. Taravella Estate of Frances Taravella 122 Temple Hill Rd Vails Gate Hts.

John Ruffin

315 Cummings Lane

George Hoffmann

5 Elm St. New Windsor

Marilyn Hoffmann

5 Elm St. New Windsor

Lynn Vance

14 Marshstone Way N.W.

Bob Vance

14 Marshstone Way N.W.

Robert H. Jurek

84 Guernsey Dr. N.W.

Nancy Colon

259 Vails Gate Hts Dr

Bill Colon

259 Vails Gate Hts Dr

John Bank

86 Gurney Dr New Windsor

Carol Bank

95 10.1st N.W. New Windsor

Parking space
5120

Edward Tanner

815 Blooming Grove Trk

65-1-4 COYMAN, EILEEN - REQUEST FOR 18 FT. REAR YARD VARIANCE FOR EXISTING DECK IN R-3 ZONE LOCATED AT 408 MT. AIRY ROAD. AREA VARIANCE GRANTED ON 01/27/97.

65-1-17 KARTIGANER, HERBERT/O.C. POUGHKEEPSIE MSA LTD. PARTNERSHIP GRANTED
PROPERTY LOCATION: N/S DEAN HILL ROAD-REQUEST FOR 100 FT. FRONTAGE, PLUS 142
FT. MAX. BLDG. HEIGHT VARIANCE FOR COMMUNICATIONS TOWER FOR BELL ATLANTIC NYNEX MOBILE.
#96-34. AREA VARIANCES IN R-2 ZONE. GRANTED ON 07/08/96.

65-1-42.4 REDDINGS, MERRELL -REQUEST FOR USE V ARIANCE FOR CONVERSION OF TWO-FAMILY
RESIDENCE TO FOUR-FAMILY RESIDENCE LOCATED AT 16 REDDINGS PLACE IN AN R-3 ZONE. (FOUR
FAMILY PROHIBITED.) DENIED AT 0 1/27/97 ZBA MEETING.

65-1-88.1 PASSARO, JOSEPH STREET FRONTAGE VARIANCE GRANTED
RILEY ROAD (ACROSS FROM FILTER PLANT) #97-40 R-2 ZONE 12/08/97
REQUEST FOR 125 FT. REQUIRED STREET FRONTAGE IN ORDER TO CONSTRUCT A SINGLEFAMILY
RESIDENCE ON RILEY ROAD IN AN R-2 ZONE.

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GRANTED

374 WINDSOR HIGHWAY (BIG V PLAZA) C ZONE #97-18 04/30/97
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SIGN WHICH REQUIRED A 6 FT. BY 8 IN. FACADE SIGN VARIANCE.
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FT. AISLE, 4 FT. MAXIMUM BLDG. HEIGHT, 19 LOADING BERTHS, 7 FT. SETBACK FOR RETAINING WALL
AND SIGN VARIANCES: 1 ADDL. PYLON, FREESTANDING SIGN; 410 S.F. TOTAL AREA FOR EACH
FREESTANDING SIGN; 20 FT. HEIGHT VARIANCE AND FAÇADE SIGNS FOR TENANTS NOT TO EXCEED
MINIMUM ALLOWED.

65-2-16.1 ERNENWEIN/ROSENBAUM INDUSTRIES AREA VARIANCES GRANTED

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VARIANCE FOR AN EXISTING FENCE GRANTED TO APPLICANT AT ABOVE ADDRESS.

65-2-16.21,22 & 25 DAIDONE/N.W. PARTNERS L.P. INTERP./AREA/SIGN VARIANCES GRANTED

REQUEST WAS GRANTED FOR CONSTRUCTION OF RITE-AID PHARMACY AFTER DEMOLISHING
CHARLIE'S FARM MARKET LOCATED ON RT.32 IN VAILS GATE. VARIANCES REQUESTED: (1)
INTERPRETATION: BOUNDARIES OF THIS PARCEL BEING PRIMARILY IN THE C ZONE AND THE PROPOSED
STRUCTURE IS CONSISTENT WITH THE MEANING OF THE LAW IN SEC. 48-6; GRANT A 3 FT. 8 IN. MAX.
BUILDING HEIGHT GRANTED. VARIANCES FOR SIGN GRANTED: RITE AID PHARMACY I.D. SIGN. NOTE:
NO VARIANCE WAS NEEDED FOR DRIVE THRU PHARMACY FOR IT WAS CONSIDERED DIRECTIONAL.
SIGNS: HEIGHT OF FREE-STANDING SIGNS DENIED. MAXIMUM HEIGHT OF FREE-STANDING SIGNS SHALL
NOT EXCEED 15 FT. ; A 36 FT. SIGN AREA OF FREE-STANDING SIGN WAS GRANTED; SIGNS: VARIANCES
APPROVED: (NUMBER OF SIGNS) "RITE AID PHARMACY" W/ "PHARMACY, "FOODMART" AND 1-HR. PHOTO
ON AWNING TO BE COMBINED WITH "DRIVE THRU PHARMACY" AND "OPEN 24 HOURS", PLUS "DRIVE THRU
PHARMACY W/ PICK UP & DROP OFF" FOR A TOTAL OF 4 SIGNS. (ORIGINALLY 6 WERE PROPOSED). AREA
OF FACADE SIGNS: 168 S.F. OF SIGNAGE FOR AREA OF FACADE SIGNS ALLOWED. (SEE FILE IF THIS
CONFUSING).

#98-28

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-15

DATE: 23 JUN '98

APPLICANT: BILA FAMILY PARTNERSHIP

158 NORTH MAIN ST.

FLORIDA N.Y. 10921

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12 MAY 98

FOR (~~SUBDIVISION~~ SITE PLAN)

LOCATED AT NYS ROUTE 32

ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 05 BLOCK: 2 LOT: 12, 35, 36, 37

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

VARIANCE REQUESTED FOR PARKING SPACE SIZE

AND AISLE WIDTH AS PER SECT 4B-16 A(3).

ACTUAL CODE = (10'x20' REQ'D; 9'x18' PROPOSED) (AISLE 24' PER CODE)

PENDING CODE = (9'x19' REQ'D; 9'x18' PROPOSED) (25' AISLE REQ'D; 24' PROPOSED)


MICHAEL BABCOCK
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE _____ USE _____		
MIN. LOT AREA _____	_____	_____
MIN. LOT WIDTH _____	_____	_____
REQ'D FRONT YD _____	_____	_____
REQ'D SIDE YD. _____	_____	_____
REQ'D TOTAL SIDE YD. _____	_____	_____
REQ'D REAR YD. _____	_____	_____
REQ'D FRONTAGE _____	_____	_____
MAX. BLDG. HT. _____	_____	_____
FLOOR AREA RATIO _____	_____	_____
MIN. LIVABLE AREA _____	_____	_____
DEV. COVERAGE _____ %	_____ %	_____ %
O/S PARKING SPACES _____	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

BIG V TOWN CENTRE SITE PLAN (98-15) RT. 32 VAILS GATE
(LANGAN ENGINEERING)

James Sweeney, Esq. appeared before the board for this proposal.

MR. SWEENEY: For the record, thank you, again for putting us on the agenda. My name is Jim Sweeney, I'm here on behalf of Bila Corporation, which is the actual developer of the project. This is the first official visit that we're here before you. We were here a month or so ago, unofficial capacity, and we'd like to just bring to you a few things, unless you have some questions, perhaps about what's in front of you. With me is Jeff Rosenberg, who represented Bila who is the developer, and the owner. Also, I have Rich Ziegler from Langan Engineers, Cabbot Hudson from Langan and Ken, who's last name I can never remember, Narva, and Howard Albert, who's in the background here, also from the design group. First thing I would like to bring your attention to something that we talked about in the informal presentation and that in fact is the submission of the full EAF which we have submitted to you together with an expanded version of that, it's really an independent and separately bound traffic study that is in front of you that takes into account the nearby critical intersections as we see them to be and hopefully as you see them to be, and showing you that the dynamics in those various intersections is not something that you should really be concerned with. Secondly, I want to talk a little bit about something that is in the proposal, you'll see a sheet and I think it's 20B, which is an alternative to the site plan we talked about at our informal presentation, am I correct, on the sheet number, gentlemen?

MR. PETRO: Yes.

MR. SWEENEY: Shows really a reconfiguration of what I call the north end or right-hand side of the property which would be actually taking those, that section of the building out and rebuilding it in the configuration that you see in front of us. We haven't made a decision on that yet, but the market driven dynamic before we actually get to a point of public hearing or

anything, we'll make that, in fact, we'll make that decision before we come to you the next time. I wanted you to be aware of, I wanted you to see what the thinking is in this whole dynamic as it begins to take shape, as you know, a lot of this is driven by who your tenants will be and what they really want. Next, I wants to bring your attention to parking and that brings me into the EAF. And the EAF which is separately bound on page 5 mainly because I didn't catch it fails to check off the Zoning Board of Appeals as one of the approval agencies that needs to be done, there's a variance that will be needed, we talked about that earlier. The net difference on the primary proposal that you have in front of you is a need for, and I forgot me sheet, 82, am I right?

MR. HUDSON: That's correct.

MR. SWEENEY: 82 additional spots, we're short 82 spots on the alternative, we're short 64 spots.

MR. PETRO: Let me stop you there, Jim, only so I don't lose my train of thought, I suggested and I know that you were headed in the direction when you said variance to put some parking in the green area behind retail A1.

MR. HUDSON: Yes, we didn't redo the rendering if you look at the site plan.

MR. SWEENEY: Picture doesn't show it but the plan does.

MR. PETRO: With that in place we're still shy 82 spots?

MR. SWEENEY: Yes, reason primarily being we've got a wetland that really curtails us, we had hoped that we might make more use of the additional spots, we can't because of the wetland, that is another issue I want to talk to you briefly about. We have opened a dialogue with the Corps of Engineers and it's a detailed dialogue and we may be involved in an extended permit process, that's our problem and we'll take care of it.

MR. PETRO: Is that filling, in other words, you're

going to fill?

MR. HUDSON: That's correct.

MR. SWEENEY: That is our hope and we think we'll come away with that relief, we do. Those are the areas of primary concern, primary information that you should be aware about and what we really would like today is to answer your questions and move towards you taking lead agency status and typing it and taking lead agency status and begin that process and hopefully within the next month or so, come back to you with one or other of those alternatives which one it is and I'd like you to address the fire departments concerns which I'm not aware of after you have told me about them and any other concerns.

MR. PETRO: This is a list, obviously, from our engineer that you can pick up and probably some of these may be just housekeeping items, but Mark can you give them one of your lists, please?

MR. EDSALL: I just did.

MR. SWEENEY: Got an extra one, mark?

MR. PETRO: In other words, James, rear yard setback appears incorrect, I don't want to go over that kind of stuff because you'll make it correct, we're not going to get sidetracked with the minor stuff, I want to go over the basics. Do you know what I want to talk about is the parking in the front with the two tier parking.

MR. NARVA: That is a view of looking north here, the front of Shop Rite and underneath that.

MR. PETRO: This new curb cut is also moved to the north, correct?

MR. NARVA: Correct.

MR. PETRO: The other curb cut looks like it's opposite Caldors more, we have to give this to DOT, my concern it would be opposite some other opening, somebody said where they'd put it would be close to the opposite, it

looks pretty close, so the state would approve it.

MR. SWEENEY: We have got to go through DOT with the cuts, but maybe you want to see where the other cuts are on the other side and we'll do that.

MR. PETRO: How many spots are underneath the deck?

MR. SWEENEY: It's on the first sheet.

MR. HUDSON: About 73.

MR. PETRO: You're removing the entire entranceway to Caldors as it stands now?

MR. NARVA: This entire piece which comes across like this is getting removed, this is all new construction. What remains is the Caldor and the Shop Rite, this and all of this and all of this new construction.

MR. PETRO: The heavy black line in the rear of the buildings?

MR. NARVA: It's a shadow.

MR. PETRO: But you're keeping the rear yard setbacks or are you going to need variances that are existing so the other ones look like you're keeping it?

MR. NARVA: Right, right.

MR. NARVA: This plan, it's hard to get you guys all around cause these are spread around, this plan is really meant to show you the detail of the street scape and the role that site improvements plays on it. It's a rendered plan for that reason, a highly engineered plan, you know, deals with site plan issues, that's the purpose of this.

MR. PETRO: Okay, I don't want to get into all the technical, I know you have a lot of minor--is there anything in particular that you want to talk about?

MR. EDSALL: Obviously, some of them are answered in the presentation as far as the intent, they do have an

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intent to get down to a single plan once they move a little bit forward.

MR. SWEENEY: I didn't want to hide anything from you.

MR. EDSALL: Their next important step is to go to the ZBA and some of my comments will need to be addressed when they make their application because the degree of the variance they'll need for parking is affected by the calculations so we'll have to fix that up.

MR. SWEENEY: That is your Item D?

MR. EDSALL: Yeah, 1D.

MR. HUDSON: Majority of comments we don't have a problem with and there were some gray areas where we went to height and setback based on what exists there today versus what's required by the codes and I believe I don't know if we got that direction from Jim or someone else, that if it was there today that is what we were--

MR. EDSALL: Before we fill out the Zoning Board of Appeals referral form, we'll coordinate with Mike and the applicant, we'll make sure that everything is correctly filled out so in answer to your question, Jim, I think that is the number one thing is the ZBA referral, you should talk about the parking and number two, we do need to agree that we're going to send out a lead agency coordination letter.

MR. PETRO: Why don't we authorize that?

MR. LUCAS: I'll make a motion.

MR. ARGENIO: Second it.

MR. PETRO: New Windsor Planning Board motion that we organize and send out lead agency coordination letter for the Big V Town Centre site plan on Route 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Mark, are you going to get that started?

MR. EDSALL: I'll take care of that and contact the application for additional copies as we need for the circulation.

MR. PETRO: James, here's the copies, Mr. Sweeney, from the fire inspector for the rest of the board's edification, we have a denial on the fire, it's very early in the procedure and I'm sure we can clear up the problems. We have informed Mr. Sweeney and one of the engineers. Let me poll the board. Does the board want to entertain any other site improvements at this time? Do you want to give any other direction to the applicant what they'd like to see or not see?

MR. LUCAS: The concept of what you're doing in the front of the building, main building, will they be the same like Burger King and the restaurant, are they going to change the facade and stuff?

MR. NARVA: The Burger King, I'm not sure about the lease, but everything else would be absolutely, it's hard to present to your guys design when you're in 270 degree layout here because this is really meant to be done much closer up. If you look at the site plan, it is drawn in great detail, so the renderings are designed in great detail and basically, if you look at the site improvements, street scape, building facades, the roof line, how it begins, where it ends, the different grades, it's all been thought out and it's articulated here fairly clearly. We'll make copies of all of this in color for you, an 8 x 11 or 11 x 17 and give them as well.

MR. PETRO: The landscaping, this is not a landscaping plan generated as of yet, correct?

MR. EDSALL: No.

MR. PETRO: Just want to give one direction is in the front of the property, namely, yes, the Route 32 side basically anything Old Forge Hill Road side and Old Temple Hill Road side some nice trees, plantings we're going to be looking for that.

MR. BABCOCK: Page 24.

MR. EDSALL: There's a lighting and landscaping plan, I didn't go into detail because of the Zoning Board first.

MR. PETRO: I'm fine.

MR. LUCAS: When you talk about the last time the sidewalks or something you had brought up?

MR. SWEENEY: You asked us to investigate, we haven't done enough investigation as to the right-of-way width and whether or not we can squeeze a sidewalk. If we can, we will. If we can't, we'll tell you about it.

MR. PETRO: You're here for the Zoning Board referral, Mark, what else?

MR. EDSALL: One other thing that would affect the parking and maybe we can get some feedback from the board on they have created in all the critical areas I believe a 30 foot aisle for those heavy traffic areas, the one place that they don't have it that I believe they are going to need it is the interconnection between the lower area near the Burger King access running parallel to 32 up the ramp and up to the main entrance.

MR. NARVA: Here?

MR. EDSALL: Yes, that is set up as a 24 foot aisle like looking over the entire site, that is one weakness you're going to get a lot of traffic, if they are laying it out in concept, that should be bumped up to to a 30, that may cause a couple spaces to be lost, I'd hate to have them go for a variance, get a variance and

have us chop more spaces out and ruin their variance. So I think we should, if the board agrees, we should ask them to take that into account.

MR. PETRO: Don't we have 25 minimum?

MR. EDSALL: Don't forget, they are going to the Zoning Board for a variance down to 24 for the entire site as well as the decrease in the parking space size for the entire site.

MR. PETRO: What's the width of the spaces, 9 x 19?

MR. HUDSON: 9 x 18, so it's 60 foot spine we're looking for a three foot variance.

MR. NARVA: We have found historically that the 30 foot aisle is really needed in one primary place, that's in front of the stores for circulation and all shopping centers and main street entrances. There's an argument here that this is a secondary major drive, it's a relationship or give and take between number of spaces, you know, and the width of the landscape islands, it's just there's a road, there's an a building and X amount of space in between.

MR. PETRO: If we go to 30, we may lose some landscaping which I don't want to give, it may lose the sidewalk for sure.

MR. EDSALL: My opinion to the board do as you care or as you wish, they are look at decreasing which now you have as a reduced minimum parking space this and reduced minimum aisle because don't forget, you used to have 20 foot spaces, it's gone down to 19, now they are proposing 18 and decreasing aisle width from 5 to 24, it's going to be a heavy trafficked area.

MR. PETRO: I still believe if two cars can't pass within 25 feet they should take a trolley.

MR. HUDSON: One of the reasons we put the 30 isn't so much for the cars, but what commonly happens in emergency situations or situations, even though you have no parking, somebody pulls up because they want to

get the kids or packages.

MR. PETRO: You have more pedestrians.

MR. HUDSON: You still have the ability for two cars to pass by while another car is sitting there or someone else or there is somebody sitting there with a cart or whatever, that's minimum.

MR. NARVA: Also, if you study, this could be a long discussion, if you study national urban land institute, ICSC, all kinds of organizations, public and private, the deal with parking design shopping center layout there's a design, there's absolutely an objective to really understand how many cars are needed, what the size of cars are, where you need wide aisles and how you maximize or minimize impervious area, maximize landscaped area.

MR. PETRO: I like Mark's idea, he's on the right track, but if we can't have it there, I'd rather not give up the landscaping and sidewalk but I'd like to see you go back to a 25 foot. Stay within our minimum anyway.

MR. SWEENEY: We can do that.

MR. PETRO: Landscaping, I'm going to be a stickler when it comes to that. I think 25 feet and I think Jerry agrees two, two cars should be able to pass.

MR. ARGENIO: That is exclusively limited to the area to the south of the main entrance but 25 feet inclusive of area north of the main entrance, it would seem to me it should be limited to just south.

MR. PETRO: Where the main flow is.

MR. HUDSON: Connects up to the top.

MR. ARGENIO: Okay.

MR. PETRO: That's correct.

MR. ARGENO: To the north.

MR. PETRO: Are you going to be removing some of the, right now, where the carts are, lot of the spots are taken up by carts, are you going to be removing them? I don't see any on here.

MR. NARVA: They'll have them, it's a discussion between the landlord and the tenant as to the best way to do that.

MR. PETRO: More pointedly, are the parking calculations taken into consideration removing those and putting in a cart spot, cart corrals?

MR. EDSALL: Not at this point.

MR. PETRO: You're not showing any and counting every spot?

MR. EDSALL: Yes.

MR. PETRO: Make sure when you go to the zoning board, do it one way or the other. I'd like to know, I was over at Wal-Mart and I see that Wal-Mart has not half their parking lot, but a third of the parking lot is now selling garden goods and all fenced off, what about the parking lot, you follow my point? Its rather interesting, I'd like to try to get away with that myself somewhere.

MR. ARGENIO: Usurping parking places with sales.

MR. PETRO: Not like they are using up a few with carts.

MR. NARVA: I'm sure they are not paying rent on that.

MR. PETRO: Lighting, you have a lighting detail?

MR. LUCAS: Lighting put underneath, is there a daytime lighting underneath that?

MR. NARVA: Absolutely, minimum ten foot candles, very bright.

MR. PETRO: Listen, yes, we're not going to--Mark, anything else for planning board at this point?

MR. EDSALL: For now, I think that is really the critical issues.

MR. SWEENEY: We're going to the Zoning Board of Appeals, you have done your lead agency, no, that's it, that is where we want to go.

MR. PETRO: Motion to approve.

MR. STENT: Motion we approve Big V.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Big V Town Centre site plan on Route 32. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PERO: You have been recommended to the Town of New Windsor Zoning Board to get your necessary variances. Once you have received those variances, if you are successful, put them on the map, we'll review it at the planning board level.

MR. EDSALL: One other item that I had in there that you that, that I want to get the board's authorization for the traffic study, when we get involved in a more comprehensive traffic study in the past, the board has had no objection with us referring that to a traffic consultant to look at and reporting back to me, I'd like to do that on this application.

MR. PETRO: Any problem with that from any of the members?

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MR. LANDER: No problem.

MR. PETRO: That will be your direction then.

MR. EDSALL: I'll take care of it.

ZONE C (DESIGN SHOPPING)

TABLE OF USE/BULK REGULATIONS

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
USES PERMITTED BY RIGHT	USES BY SPECIAL PERMIT	MINIMUM LOT AREA (SF)	MINIMUM LOT WIDTH (FEET)	REQUIRED FRONT YARD DEPTH (FEET)	REQUIRED SIDE YARD/TOTAL BOTH YARDS (FEET)	REQUIRED REAR YARD DEPTH (FEET)	REQUIRED STREET FRONTAGE (FEET)	MAXIMUM BUILDING HEIGHT (FEET)	FLOOR AREA RATIO	MINIMUM LIVABLE FLOOR AREA (SF)	DEVELOPMENT COVERAGE (PERCENT)	PERMITTED ACCESSORY USES	PERMITTED ACCESSORY SIGNS	MINIMUM OFF-STREET PARKING (SPACES)	MINIMUM OFF-STREET LOADING BERTHS (BERTHS)
REQUIRED:															
RETAIL STORES AND BANKS	DRY-CLEANING ESTABL. FOR PICK-UP & DELIVERY ONLY LAUNDRY MATS NOT EXCEED. 30 MACH. CAPACITY	40,000	200	60	30/70	30	N/A	4 INCHES PER FOOT OF DIST. TO THE NEAREST LOT LINE RETAIL A1=26.83 RETAIL B15=21.42 RETAIL B5=13.3	0.5	N/A	N/A	ACCESSORY PARKING ACCESSORY LOADING ACCESSORY SIGNS	FOR NON RESIDENTIAL BUSINESS SITE, 1 FREE-STANDING INDIVIDUALLY ILLUM. SIGN SUPPORTED BY AN ORNAMENTAL POST OR BASE, SET BEHIND PROPERTY LINE OR SIDEWALK LINE, NOT TO OBSTRUCT SIGHT DISTANCE. SIGN AREA SHALL NOT EXCEED 64 SF. TOTAL OF ALL FACES & 15 FT ABOVE GROUND LEVEL. IF SITE HAS 2 MAIN ENTRANCES, W/ APPROVAL PLANNING BOARD 1 ADD. FULL SIZE FREESTANDING SIGN TO BE CONST. 300 FT TO OTHER SIGN	RETAIL STORES: 5.5 SP/1,000 SF OF GROSS FLOOR AREA = 1616 SP BANKS: 1 PER 300 SF OF FLOOR AREA = 8 SP	1 FOR ANY BUILDING EXCEEDING 10,000 SF PLUS 1 FOR EACH ADDITIONAL 10,000 SF OF FLOOR AREA = 29
EATING AND DRINKING PLACES		40,000	200	60	30/70	30		6 INCHES PER FOOT OF DISTANCE TO THE NEAREST LOT LINE = 30.8 FT	0.5	N/A	N/A			1 FOR EACH 3 SEATS = 60 SP	1 FOR ANY BUILDING EXCEEDING 10,000 SF PLUS 1 FOR EACH ADDITIONAL 10,000 SF OF FLOOR AREA
PROVIDED:															
RETAIL STORES								30				ACCESSORY PARKING	ILLUM. SIGN	4.01 SP PER 1000 SF = 1177 SP	15
BANK	-	24.60 AC.	461	64.26 61.67 EXIST.	40/120.28	40 EXIST. 22.3	-		0.28	-	-	ACCESSORY LOADING	FREE-STANDING SIGNS	1 SP PER 300 SF = 8 SP	N/A
EATING PLACES								24		-	-	ACCESSORY SIGNS		1 SP PER 3 SEATS = 60 SP	N/A

SITE STATISTICS

EXISTING ZONE: C ZONE (DESIGN SHOPPING)

PROPOSED RETAIL, BANK, & RESTAURANT PERMITTED

	REQUIRED:	PROVIDED:
MIN. LOT AREA =	40,000 SF	1,071,762 SF (24.60 AC.)
MIN. LOT FRONTAGE =	N/A	382 FT
MIN. LOT DEPTH =	200 FT	461 FT
MIN. SETBACK, FRONT =	60 FT	64.26 FT
REAR =	30 FT	40 FT
SIDE =	30 FT/70 FT	40 FT/120.28 FT

COVERAGE:

BUILDING AREA	265,117 SF	24.7%
PAVEMENT & SIDEWALK	614,210 SF	57.3%
OPEN SPACE	192,435 SF	18.0%
TOTAL:	1,071,762 SF	100%

82.0% IMPERVIOUS

PARKING REQUIREMENTS:

RETAIL STORES (5.5 SPACE/1,000 SF) =	1616 SPACES	1177 SPACES
RETAIL AREA 293,700 SF		
BANKS (1 SPACE/300 SF) =	8 SPACES	8 SPACES
RESTAURANTS (1 SPACE/3 SEATS) =	60 SPACES	60 SPACES
TOTAL =	1684 SPACES	1245 SPACES

MIN. PARKING SPACE SIZE = 10 FT X 20 FT 9 FT X 18 FT

LOADING:

MIN. NUMBER OF LOADING SPACES =	1 SP/10,000 SF	15
MIN. SIZE OF LOADING SPACE =	10 FT WIDE	12 FT X 50 FT

NOTE:

1. A 213 PARKING SPACE VARIANCE HAS BEEN PREVIOUSLY GRANTED BY NEW VINDSOR ZONING BOARD, DATED SEPTEMBER 25, 1989.
2. A 13 FT 4IN BUILDING HEIGHT VARIANCE HAS BEEN PREVIOUSLY GRANTED BY NEW VINDSOR ZONING BOARD, DATED SEPTEMBER 25, 1989.

1/27/98

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550
.....

DATE		CLAIMED	ALLOW
7/13/18	Zoning Board Mtg	75.00	
	Misc - 1		
	Dominguez - 3		
	Van Loon - 3		
	Bela - 22	99.00	
	Franklin - 6		
	Acunzo - 9	207.00	
	46	282.00	

BILA FAMILY PARTNERSHIP

James G. Sweeney, Esq., Cabot M. Hudson, P.E., and Howard S. Albert appeared before the board for this proposal.

MR NUGENT: Request for variation of Sec. 48-16A(3) Size of parking spaces for shopping complex located on Route 32 in a C zone.

MR. SWEENEY: Good evening, my name is Jim Sweeney. I'm here on behalf of the Bila Family Partnership. This is really a follow up to an earlier presentation to the planning board with regard to the Big V Shopping Center on Route 32. I thank you for scheduling us for this preliminary conference. We've got a couple of boards here that help make this a lot clearer than the paperwork. What we'll be talking about preliminarily is really a comprehensive parking space variance. And I'll pass this out which helps to explain things. What you see here is the architectural renderings done by PEG/PARK which is our design folks with regards to what we would ultimately like to accomplish with the Big V Shopping Center and really rehabilitate the facility entirely and bring it into a modern state of affairs. And in that process, really address and look at the parking situation which has been a problem for you folks for years and been a problem for us and the owners of the facility in attracting quality of tenants and so forth. The presentation at the planning board was fairly comprehensive as what we would like to do, but we knew we were going to run into a parking problem so that's what we're here for. What you're seeing set up is a plan and what you have in front of you is a plan that shows a combination of parking areas that total 1,684, excuse me, that total 1,245. What is required by your ordinance is 1,684. And as you look at that graph and schematic and columns of the document that I handed out to you and you turn your attention to column 0 towards the right of the document, you'll see how this lines up. Your ordinance calls for 5.5 spaces per 1,000 feet gross floor area not net, not available to customer and retail areas. Actually, that calls for gross floor area which includes storage space so forth and so on. So if you take the factor of multiply 5.5 per 1,000 of gross floor area for the retail store, you come up with a figure of 1,616 required. For the bank, that's a fairly minimal amount, you come up with a required amount of eight. And for the eating and drinking places based on seating you come up with

fairly minimal amount of 60. And, as I said, the total would wind up being 1,684. What you have in front of you is a plan that proposes 1,245 lots and it's also a plan that is designed at a parking stall of 9 x 18 feet whereby your ordinance calls for the old standard of 10 x 20 square feet. Also, you will see in column P right beside the parking column, a differential between the required number of loading docks required being 29 and the number being provided at 15, but the number that are being provided are larger in size and nature. The problem we have is area, space. We have a site that's limited by the buildings themselves and what we would like to do, we have wetlands to the south, maybe it's southeast, southwest --

MR. NUGENT: Southwest.

MR. SWEENEY: -- and we've just about maxed out on the parking. And as you will from Cabot Hudson and maybe somebody from PEG/PARK, what we intended, and maybe you've already heard about, is to double deck up some of the parking, put it over/under to get a much better arrangement for parking than is presently there. Cabot or maybe Howard Albert, you could maybe come up and talk about this in a little more detail so you get a feel for what we're up against and where we'd like to go.

MR. ALBERT: My name is Howard Albert from PEG/PARK, I'm the project manager. And the goal here is to transform Big V from what is now an unattractive strip center with outdated interior mall into a town center that's both pedestrian friendly and economically viable. To begin our analysis, what we do is we go and do an existing site context analysis and analysis of the existing center. We're right here on Route 42, Old Forge Hill Road and Old Temple Hill. Along here there's commercial structures and the back is residential. Right now this is the existing Big V Shopping Center. Site access and visibility, the access right now is along Route 32, minor access along Old Forge Hill Road and Old Temple Hill Road. Primarily the visibility is from these corners at Route 32 and Forge Hill and Temple Hill Road. Site circulation and parking, as Jim mentioned, what we want to do here is keep the trucks and the pedestrians and the cars segregated from each other with trucks running around the rear and parking and pedestrians in front. As you know from the center right now, there's a very steep gradient across the front and there's basically a

real big problem right here where Shoprite hits the interior mall. This is an analysis of the site topography right across the center of the parking lot. You can see there's a major slope and a lot of problems of carts running away going into cars. Also because of the fact that there's the wetland from the stream, there's a great drop in grade, steep slopes along the back of the site. Now, what we've done is we've taken all of this and we've analyzed it and what happens is that we try and come up with a retail solution for the design and then make it a design solution. What we've done here, we want to do for the center is to analyze the retail and design, what we want to do is keep things here that make sense, the existing Shoprite, the existing Caldors and some of the existing retail. Remove what doesn't make sense, which is the interior mall, and replace and augment that with more retail in order to get a critical mass for the project to make sense. As you can see here, what we've done is we removed the interior mall from the center of the shopping center. You can see this here on top, this is the space right here where the existing, some of the existing interior mall is. That exposes the Caldor facade here. This is the lower level where the Shoprite is here. What we're trying to do is use this big gradient differential at this point and making it two levels. So this parking overlays above a lower deck. The parking here is for the upper part of the center, the parking here is for the existing Shoprite below and you can see that here. This is above where the Caldor is and this is below where Shoprite is. And back here you can see there's parking that's basically going under the upper deck. This analysis, what we then try and do is establish the center's identity which we've done there. We've tried to do a very user-friendly, pedestrian-oriented center. Right now as you can see, very large scale, quite unattractive from the street. What we've tried to do here is use friendly materials, brick, colorful awnings, landscaping for the site in order to make it more pedestrian friendly and take it into the next century. Those are the design principles that we've used to establish the design of the site. And I'll turn it back to Jim and he can talk more about the variances.

MR. SWEENEY: I didn't tell you earlier that back in 1989 the Bila Family Group came before you and did achieve a parking variance and height variance for the existing facility. The height variance because of the clock tower and the parking variance because of the

limitations at the site even with the existing facility. And what you awarded back 1989 was a variance for 213 spots. So if you take the differentials of what's required, what we're proposing to supply and add in the variance factor, the number of parking spaces that we really need is 226 at the 19, excuse me, 9 x 18 foot criteria rather than at the 10 x 20 foot criteria. And you've heard how there's really no other way to achieve an attractive facility and build in the type of parking that your ordinance requires. Your ordinance is a unique ordinance and one of the older ordinances that looks towards that gross floor area multiplier rather than net floor area. But at any rate, that's pretty much where we are and also with the parking facilities. We seem to get at least a favorable idea, conceptual idea from the planning board, and they referred us here and that's where we are.

MR. KRIEGER: Mike, if I may, if the standard size of parking place now according to ordinance is 9 x 18, or 9 x 19?

MR. BABCOCK: It's 10 x 20 today and it's proposed to go to 9 x 19.

MR. KRIEGER: That's what I thought.

MR. NUGENT: I'm a little confused on the second level parking. Is this proposed in this to add parking places up there?

MR. SWEENEY: It's really under. Cabot Hudson, maybe you could explain with a little more detail?

MR. HUDSON: This is actually showing what's going on beneath this area.

MR. NUGENT: Even with those parking places you're still short?

MR. HUDSON: Yeah.

MR. TORLEY: You're adding a lot of space.

MR. HUDSON: Actually, we are only adding a net of 30,000 square feet.

MR. ALBERT: Because we're removing a major portion of the interior of the center.

MR. REIS: Can you show us on the diagram what you're adding?

MR. HUDSON: Mainly it's over in this area but just so you can see what's being taken away, a substantial amount of square footage in here, that's being removed.

MR. NUGENT: And that is? Can you give us an idea of what that number is? Ballpark it. It don't have to be exact.

MR. TORLEY: What's the total space you have right now?

MR. HUDSON: Total square footage?

MR. TORLEY: Yes.

MR. HUDSON: About 267 and we're proposing 299,570.

MR. NUGENT: That's with taking the other one away?

MR. HUDSON: Right.

MR. ALBERT: That's correct. Right now, from this point to this point right across here is retail, right in the center.

MR. TORLEY: So you're adding 32,252 square feet. How many, you've got that second level garage, how many rows of parking are going to be under that cover there?

MR. HUDSON: It's going to be two rows.

MR. ALBERT: Right, and we're able to accomplish that because at that point at the site, as you know, it grades down at a very steep slope. So you can basically slide that under the top of the deck.

MR. TORLEY: At present, there are also a lot of, you haven't mentioned, there are a number of sign variances on the site as well.

MR. HUDSON: That's correct.

MR. TORLEY: As you redo this, is it your intention to comply with the sign ordinance as stated or are you going to be back for sign variances?

MR. SWEENEY: We haven't really designed the sign, so we're going to try to get as close to it as we can, to

the sign variance, the sign requirements.

MR. ALBERT: Just let me say with the signage here what we're proposing is much more in scale with the smaller retail environment, much more pedestrian-friendly scale environment. You can see above of the awning, that's where the sign goes of course, they'll be a sign at Caldors, at Shoprite on the pediments there, and if there's a major retailer here, at that point, they will have larger signs.

MR. HUDSON: From a site standpoint, and our actual standpoint, we will be requesting a variance for at least one pile-on sign. We're proposing three, one on Old Forge, one at the main entrance right here and then one back on Old Temple Hill at this entrance. I mean this one will probably be the major one. These are more for identifying access points and, you know, traffic control and things like that. Again, just to let you know, and I wasn't watching where Howard was pointing, the layout as the center that exists today is 1) very inefficient 2) somewhat dangerous in that all this traffic from this center aisle where all the traffic comes in is very un-user-friendly because people have to go between cars with their shopping carts or to get to the stores. Ideally, from a center layout what you're trying to do is make the roads perpendicular with the entrances to the stores so when you get out of your car, you walk down the aisle up into the store. Also landscaping here is very, very sparse. Since Jeff isn't here, I can tell you it's not a very attractive center.

MR. TORLEY: It's nonexistent.

MR. HUDSON: Right. It is a 25-year-old center that hasn't been upgraded in quite a while. In addition to that, from, again, what Howard was saying, this plan will -- because these spaces all in here are useless, this aisle right here is cut off. Ideally, what we'd like to do is, and just to go into this slightly, we've provided a 30 foot roadway around the front of the stores and all our main access aisles. So it gives cars plenty of room to get around other cars that are stopped or picking somebody up or stopped doing something there, it provides it in a much more safe manner. What we've done with the aisles is limited those to 24 feet so we don't have people either waiting in here or doing that. People are going to access in and out of their spaces. We've tried to provide

uniform flows through here and around here. One of the planning board's suggestions was that if we widened this aisle right in here, a little bit wider aisle, which we've agreed to do or actually have done in our plans, just to provide people who come in here a way of getting up back up top to the center. This is going to be a ramp, you know, changing the grades; whereas right now you have that grade change in front of the store, it's going to be transferred to the outside of the site keeping it away from where people are walking in and out of the stores.

MR. NUGENT: Is that double level parking area going to detract from the view of that what would be the Caldor building?

MR. HUDSON: No, not all.

MR. NUGENT: It's going to be below it?

MR. HUDSON: It's going to be below it. This will be on grade basically with the Caldor building.

MR. NUGENT: The top part of it?

MR. HUDSON: Yes. So it won't be above, it won't be up in the air, it's basically subsurface.

MR. REIS: You mentioned that there's going to be two aisles of parking on the sub?

MR. HUDSON: Yes. If look, actually you can look on --

MR. SWEENEY: It's up there on the left-hand corner of the plan that's in front of you.

MR. REIS: What does that equate to in parking spaces?

MR. HUDSON: It's about 70, 73 cars, something like that. You can see that this dashed line right here is the limit of the overhang and then you have one aisle, two aisles back into the area. There'll be a retaining wall here, there's parking over top of it.

MR. TORLEY: And the plan as you're proposing it will not be altering drainage or increasing the runoff?

MR. HUDSON: No, it's very, very similar, I think it's within two percent of the impervious surface as it now exists. We have talked to the engineer and we have

provided a drainage study and all that previously has been worked out.

MR. NUGENT: When you come back for the public hearing, I would like to know how many feet you're removing.

MR. HUDSON: Okay.

MR. NUGENT: Of existing building.

MR. ALBERT: About 400 feet.

MR. HUDSON: No, he meant square feet.

MR. NUGENT: Square feet.

MR. TORLEY: When you can get back to us.

MR. HUDSON: It's roughly 20.

MR. KRIEGER: 20,000?

MR. HUDSON: Yes.

MR. NUGENT: Well, 140,000 if I read this correctly.

MR. TORLEY: A net of 32,5.

MR. HUDSON: A net of 32,5.

MR. NUGENT: What's 32,5?

MR. HUDSON: Net increase.

MR. SWEENEY: We'll have that figure for you.

MR. REIS: Behind the new buildings, gentlemen, the two new buildings --

MR. HUDSON: Yes.

MR. REIS: -- is that parking area, is that now asphalt or are you going to be adding asphalt?

MR. HUDSON: We'll be adding asphalt a little back to this way. The parking area that now exists is right in where the buildings are. We'll be adding asphalt.

MR. TORLEY: That looks like more than two percent of the area.

MR. HUDSON: Actually, when we worked it out, it comes back to really, well, yeah, maybe this is more than two percent, but with all the landscaping and everything else that's been added to the site plan, our discussions with the engineer early on, it was basically two percent, three percent, somewhere in there. It wasn't a significant impact from a impervious standpoint.

MR. KRIEGER: Just so you understand, the reason he was asking about drainage, the details of drainage of course are a planning board concerning. In other words, the zoning board of appeals' concern is that the drainage on the site won't be channeled on the, create a hazard, channelled on the road or channelled onto the neighborhood. So it will ask you at the time of the public hearing in general terms what you're going to do with the drainage. Not necessarily work it out with the same kind of detail that you would necessarily with planning board, but the zoning board has to be assured that it isn't going to create a hazard.

MR. HUDSON: And I can assure you right now that even in an informal basis that the entire drainage system has been revised up to today's standards and will not be a hazard of any stretch. In fact, the town had a study down stream, I'm trying to find the culvert, had to do an additional study down stream to just ensure that not only we weren't causing a problem, but also that a problem didn't exist today in certain parts of it.

MR. REIS: Can you show the board where your southwest boundary line is?

MR. HUDSON: Comes in here, back into here, into that's it right there.

MR. REIS: Okay, thank you.

MR. NUGENT: The other section that's left back there, just where you were just pointing. No, right alongside the parking area, that you cannot utilize because it's wetlands?

MR. HUDSON: Wetlands, yes. You can see better on this plan. This line right in here and back all through here, it's all wet.

MR. NUGENT: So basically if I understand this whole

thing, after all is said and done, we're looking for a couple hundred parking places?

MR. SWEENEY: 226.

MR. NUGENT: Right.

MR. SWEENEY: And they're also loading docks.

MR. KRIEGER: And also to make the parking places smaller.

MR. SWEENEY: Which is something th planning board has under consideration now I think.

MR. KRIEGER: But the ordinance is proposed to be changed, the town ordinance. Even after the ordinance is changed, that was my reason for my questioning Mr. Babcock, but even after this change, these parking places as proposed are still small --

MR. ALBERT: We're also looking for a height variance.

MR. SWEENEY: I'm not sure we need a height variance. I have to take that up with Edsall.

MR. TORLEY: Your tower.

MR. SWEENEY: The tower's coming off.

MR. TORLEY: That tower on the left there is not going of your drawing --

MR. SWEENEY: Well, there is, see, there was a height variance granted also in 1989. It was a 13 foot height variance granted in 1989 which I think accommodates the deficiency for the tower now. I don't think there's any difference but I've got to check that out with Mark Edsall.

MR. ALBERT: I don't think, I think chimneys and towers are not included in this and this is not a retail structure, it's basically a landmark that marks where the upper portion, at this point there's escalators and stairs going down connecting one to the other, so that's a landmark here. Actually, for this building here, we believe at this point it's we need --

MR. SWEENEY: It's 24. Is that the one that's 24?

MR. ALBERT: It's 26 feet 4 inches. And at the moment, we don't know what size this retail building is. We're suspecting that it would be more in the neighborhood of 30 feet high because of the nature of that large retailer. Now, one thing that I should point out is that Temple Hill Road from this point, there's a retaining wall there, so the point here on the pavement is 10 below that road, so over from the area from here to here. We're requesting a variance here above the 26 feet but it starts 10 feet down from Temple Hill Road, at that point there's a retaining wall there.

MR. TORLEY: Mike, I am not, I'm trying to remember but my recollection is from some of the other malls that we've had in here, that architectural things like towers are counted in a height variance.

MR. BABCOCK: If it's part of the building. It always has been.

MR. TORLEY: So the tower would count?

MR. BABCOCK: But this is a unique site. It would be an average height, it's not just the height where that tower is. Like where you're saying on that one side of the building it's 10 foot below grade, you don't get the credit because it's below grade, but it's an average of that height all the way around the building.

MR. TORLEY: And, Mike, again, if this is the standard grade and they excavate out 20 feet and build a 50 foot high building, is it a 50 foot high building as far as height goes?

MR. BABCOCK: If it's excavated 10 foot all the way around, then it's a 30 foot building, but if it's only 10 foot on two sides, then now it's basically considered five foot in the ground and you only get half of it.

MR. SWEENEY: But I still point out to the board that there is a 13 foot height variance that you've already granted which I think takes up the need that Al's speaking about. All right, I'm looking at Sec. 48-15(A): Structures such as chimney flutes, towers and spires may exceed the height limitation of 48-12 provided that in the aggregate they occupy not more than 20 percent of the roof area and that the total height is not more than 50 percent higher than the average building height.

MR. NUGENT: I don't know, Mike, what's that all about? You might not need a height variance.

MR. TORLEY: Personally, I think this is a very nice plan. The reason I'm bringing these up is so you only have to go through this process once.

MR. ALBERT: Yeah.

MR. SWEENEY: It seems to me that the differential that we're providing is 24 feet average height. We still have 13 feet to add on to that and you still make the 30 foot requirement because we have the 13 foot variance. We have 13 feet in our back pocket that we have from 1989.

MR. HUDSON: But is that also with this structure here?

MR. SWEENEY: Yeah, I think so.

MR. HUDSON: So it was a site variance?

MR. SWEENEY: Yeah, it was overall. It's not limited to any particular structure.

MR. BABCOCK: I think it may have been limited to the application that was before the board at the time.

MR. SWEENEY: The language of the decision doesn't differentiate it at all.

MR. BABCOCK: Right. I think that's a question for Andy.

MR. TORLEY: The application at the time was on the sign on the Caldors.

MR. BABCOCK: Yeah, right, Caldors.

MR. HUDSON: But it was the rear facade, right?

MR. NUGENT: But they may not need that.

MR. KRIEGER: Certainly, our decision had to have been based on the presentation of the facts before the board which is different from these facts. I think the purpose of bringing it up was merely to bring it to your attention. Whether or not you add, an invitation, if you want to add a height variance request, then now

is the time to do it. I think that's what member Torley's point was.

MR. SWEENEY: We'll do it.

MR. KRIEGER: Well, if you decide not to do it, that's up to you.

MR. SWEENEY: I don't want to be here many times either. We'll, just in case, we'll add it but I don't think we need it.

MR. KRIEGER: You can always turn around at the public hearing and say, whoops, we decided that we don't need it. You can take away at that point, it's difficult to add.

MR. SWEENEY: Okay, we'll do it.

MR. REIS: Gentlemen, can you help me with something here?

MR. HUDSON: Sure.

MR. REIS: By reducing the width of the parking areas from 10 to 9 is your plan, what is your net gain?

MR. HUDSON: Approximately it was 50? It was 50 plus or minus.

MR. REIS: About 50 cars.

MR. HUDSON: Mm-hmm.

MR. REIS: As a consumer, that's a concern of mine. I shop there. Mike, right now we're on the books for 10 x 20 and we're going to be reducing it to 10 x 19?

MR. BABCOCK: 9 x 18. They want to go to 9 x 18.

MR. KRIEGER: Is that what the proposal is 9 x 18?

MR. BABCOCK: 9 x 18.

MR. KRIEGER: This applicant's proposal is 9 x 18.

MR. BABCOCK: That's right. The law is 10 x 20. The proposed new law is going to be 9 x 19.

MR. REIS: Our law?

MR. BABCOCK: Yes.

MR. KRIEGER: So they're proposing in the new law the same width as this applicant proposes but one foot greater in length than this proposal.

MR. TORLEY: Less in length.

MR. KRIEGER: Well, this is one foot less than what the proposed ordinance is.

MR. TORLEY: I would appreciate one thing, again, when you come back for your public hearing it would help me to visualize it a little bit if you can show how many parking spots would be on this lot with the present ordinance 10 x 20 and with the proposed new ordinance of 9 x 19.

MR. HUDSON: What's the aisle width on the 9 x 19?

MR. BABCOCK: 25.

MR. HUDSON: Are both of them 25?

MR. BABCOCK: Yeah.

MR. HUDSON: So it's 25 maintained.

MR. KRIEGER: You have some 24's here so you're going to have to figure that in.

MR. HUDSON: Right.

MR. TORLEY: Figure the handicap spots.

MR. HUDSON: Right.

MR. TORLEY: Again, let me visualize how big the variance actually is.

MR. ALBERT: Just to recap, our proposal is 9 x 18 with a 24 foot aisle.

MR. HUDSON: That's correct.

MR. TORLEY: Andy, if they're proposing fewer number of spaces and the spaces are smaller, how do we phrase that as far as a request?

MR. NUGENT: They need a bigger variance.

MR. KRIEGER: You need two variances instead of one.

MR. TORLEY: Variance for the number and a variance for the size.

MR. KRIEGER: Correct.

MR. NUGENT: And the number would be larger if we made them go with the other one. If they need it.

MR. KRIEGER: Well, they work together but they are two separate requests.

MR. NUGENT: Right.

MR. TORLEY: They're asking for a variance of 226 parking spaces.

MR. SWEENEY: 226.

MR. TORLEY: Do we count 226 as a variance at 9 x 18?

MR. SWEENEY: Yes.

MR. TORLEY: Or 10 x 20 or how?

MR. BABCOCK: I don't know, is the parking that you calculated on as being proposed, are you using the 5.5 or are you using retail?

MR. SWEENEY: No, 5.5 of gross is what we used and we want a variance from what the required is under that formula which will be 226 cars, 226 spots.

MR. TORLEY: Again, if you don't mind, when you come back for your presentation, it would make it easier to visualize, if you could compute -- the number of required parking spaces, I know it's not in our codes, if you could compute the number of parking spaces based on net area which I gather is the more common procedure, so that would give me a better feel of what we're looking for.

MR. HUDSON: I think to try to answer the point that you're trying to make it almost depends on which variance you grant first. If you grant the variance for the smaller spaces initially, then you have the right number you're asking for. If you grant for the number initially, and the other one doesn't go through, then you may have a problem. So I think that's where

you were going with your question.

MR. TORLEY: So if we could see how many parking spaces, other municipalities use by net rather than gross?

MR. BABCOCK: Right.

MR. TORLEY: So if we could get some feel of how this would fit by net, we could get a feel for it.

MR. BABCOCK: The industry standard right now which is driven mainly by the tenants is 5 per thousand in gross. The parking space size based on industry standard also, and this takes in all types of municipalities whether it's pure urban or suburban or more rural, is a 9 x 18 x 24 foot aisle, 60 foot spine. We do have some literature if you want to read it at your perusal but it's given out by the Urban Land Institute and the National Parking Association and they've come up with guidelines. If you'd like to see it, I have a number of copies. I know in recent years people have been more and more concerned because there's more and more trucks, more and more sport utility vehicles. Besides the really large ones like Suburbans and now the Expeditions and things like that, the other sport utility vehicles are not much wider anyway as far as a vehicle than the standard midsize car and people seem to lose that. So the clarifications which these industry standards put on the cars don't change because the car's higher up in the air which makes it have the appearance of being larger and other such things. So the results of this and results of other studies have actually come out that it's about a 50/50 blend of large cars, which would be your large Cadillacs or I forget what the breakdown is, to smaller cars, which like a Camry is now deemed a small car, but what they have done is they have changed the definition of the size of those vehicles. I think the standard size vehicle is now 6 1/2 x 15 feet long, I think that's what standard size is, and that's where they come up with the standard size parking. They have actually gone away from advising people to put in compact spaces because they don't think it works anymore. It's the variation of cars, all the cars are actually coming much closer together in size verses having very small cars and very large cars. So based on that, this plan meets the guidelines of the larger tenants, who basically drive the industry and also --

MR. ALBERT: Especially with the supermarkets.

MR. HUDSON: Right, because you're in and out and they also have carts and they have people banging things around. So every supermarket which I do work for, which is probably about three or four and they control most of the northeast, they have this size in their standard specifications to use 9 x 18 with a 24 foot width.

MR. BABCOCK: Jim, just, I don't know whether you're clear on this because I wasn't at the beginning, they're asking for 226 spaces on top of the variance they received of 213.

MR. NUGENT: Right.

MR. BABCOCK: So it's a total of 439 spaces.

MR. TORLEY: Mr. Chairman, would it be your preference to do this by incremental variances or start at ground zero and grant full variances if appropriate for the entire site rather than the incremental over the previous granted variances?

MR. NUGENT: Well, I think we're going to have to do it in steps. Not necessarily in steps but at least two.

MR. TORLEY: No, my point is right now they have the existing variance for the number of parking spaces and existing variance for height, and that's caused our discussion on whether the tower fits under it. Is it your preference to proceed based on their previously granted variances or I know sometimes in the past, Okay look, for simplification purposes we're going to ignore and grant variances basically on ground zero.

MR. KRIEGER: In other words, for the number of parking spaces 236 or 439.

MR. TORLEY: Yeah.

MR. NUGENT: Or building height or not building height.

MR. TORLEY: To me it makes everything in the future more simplified saying that this site get in X variances, not one plus two plus three and on.

MR. NUGENT: Well, they already got the variances.

MR. KRIEGER: I don't know how you could deny it, but

let's ask the applicant. For argument sake this is merely for discussion purposes, if the applicant didn't receive the 226 variance, could the applicant still go ahead if they had the 213 in their pocket without the 226 or would that kill the project?

MR. SWEENEY: It's tight. It gets really tight.

MR. KRIEGER: So what I'm getting at is, if the 226, and's I should say that's a good point, I should think that the applicant input here would be important, if the 226 is a, in essence, a make or break, then it really wouldn't matter to the applicant whether it was 226 or 439 because you'd have to have them all or forget it. If it matters, then I think it's a question that has to be looked at by the zoning board as to how to treat Member Torley's question.

MR. HUDSON: To answer your question, it matters quite a bit. The reason it matters quite a bit is because what drives those higher numbers are the larger tenants and if you miss one of the larger tenants, you miss a big chunk. And if you miss a big chunk, then there's no smaller tenants that, it's kind of like a domino effect.

MR. TORLEY: The reason I bring it up is specifically for simplification purposes for the next time this comes through. You know, a board maybe sitting 15 or 20 years in the future, it's a lot cleaner to say, okay, this site was given this variance for this structure.

MR. SWEENEY: I don't have any approach to that problem. I really have sympathy for clarifying your situation or anybody's down the road. I just point out the 213 variance that exists now travels no matter what.

MR. TORLEY: It certainly is a factual matter that's important.

MR. SWEENEY: Yeah.

MR. TORLEY: I fully agree with you. I'm just saying for purposes of simplification and future clarity whether we want to, and I'll ask the chairman.

MR. NUGENT: I think they already have the 213, they keep it and they just go on with the new one.

MR. REIS: I tend to agree with that. Off the record.

(Whereupon, an off-the-record discussion was held.)

MR. HUDSON: The last thing, and I'm not sure if this is a variance, I don't know if any of you have driven back here, I don't know if anybody has a reason to, this retaining wall is almost nonexistent and it's a mess. When we did this design, instead of bowing out this portion, we straightened everything out. And one of the things that we proposed was to come back in and rebuild this retaining wall for its length. Now, the majority of it is grandfathered in I would assume since everybody is using that term, but what worries me a little bit is this wall can get up to 10, 11 feet in some cases. I think there is a requirement that if a wall is over five feet, it may have to be --

MR. SWEENEY: Considered a structure?

MR. HUDSON: Yeah, an accessory building and an accessory building has to be 10 feet off the property line. So that was my other.

MR. SWEENEY: Well, let's add that one in too.

MR. TORLEY: Same money.

MR. HUDSON: Okay.

MR. KRIEGER: To answer your question about the '59 Cadillac, anybody who is lucky enough to own a '59 Cadillac will undoubtedly take two spaces no matter what size you make the parking spaces.

MR. HUDSON: And then the pile-on sign.

MR. SWEENEY: Have we got enough knowledge to design it?

MR. HUDSON: Well it's not so much the design, it's the allowance of them.

MR. SWEENEY: Okay.

MR. HUDSON: I think the design and the size of them comes under the planning board, as long as you meet whatever those are. Right now I think we're asking for one additional sign which we would need a variance for.

MR. TORLEY: You might want to check on that because their signed areas requirements are rather stringent.

MR. KRIEGER: The reason why they asked about the design was, again as a factual consideration the way that signage is figured by the building department for the purpose of determining of whether it's allowed or not allowed is one thing.

MR. HUDSON: Mm-hmm.

MR. KRIEGER: If it's not allowed and an application is made to the zoning board of appeals, they're going to want to know not only what the legal calculation is, but what in fact they're looking at. To give you an example, a sign may contain a great deal, in it's design a great deal of open space which isn't accommodated, allowed for in the ordinance but which as a matter of fact, may weigh heavily in the thinking of the members as to whether or not a variance ought to be made for that sign.

MR. HUDSON: Well, do we have enough data as what the sign actual exists as?

MS. WILDRICK: The pile-on?

MR. HUDSON: Yeah.

MS. WILDRICK: I think it's 300 square feet.

MR. SWEENEY: Yeah, I think it is.

MR. HUDSON: But how that 300 feet is measured?

MR. TORLEY: Aren't they allowed if the signs are more than 300 feet apart, they can have two?

MR. BABCOCK: I'm not sure of that.

MR. HUDSON: There is some provision to allow two.

MR. NUGENT: Isn't it 250 feet?

MR. BABCOCK: Yeah.

MR. HUDSON: Right. And we're asking for a third which there is no provision for. So I think one we're allowed by code, two needs planning board approval based on distance or whatever, and the third requires a

variance.. So as far as numbers, we'd be asking for a variance for one additional pile-on sign.

MR. ALBERT: And basically it's one per each road. One on Old Forge Hill, one on --

MR. TORLEY: We're trying to streamline the process here because this takes time to go through the cycle and we want to make sure you're not held up by having to do it two or three times.

MR. HUDSON: Okay.

MR. NUGENT: Before you come back for your public hearing, this needs to be filled out with numbers.

MR. HUDSON: Okay.

MR. SWEENEY: Yup.

MR. NUGENT: So you understand it. So we all understand it.

MR. SWEENEY: When will we be back for public hearing?

MR. NUGENT: That's up to you.

MR. TORLEY: Mr. Chairman, are you ready for a motion?

MR. NUGENT: Yes, I am.

MR. TORLEY: Mr. Chairman, I move that we grant the Bila Family Partnership a public hearing of their requested variances. I won't specify other than plural.

MR. REIS: Second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. SWEENEY: The date will be driven by our application?

MR. NUGENT: That's right.

MR. KRIEGER: Yes, and when the publication is complete.

MR. NUGENT: You have your paperwork here. And that's filled out and brought back. We only have one meeting in August.

MR. HUDSON: When is that?

MS. BARNHART: The second Monday, the 10th.

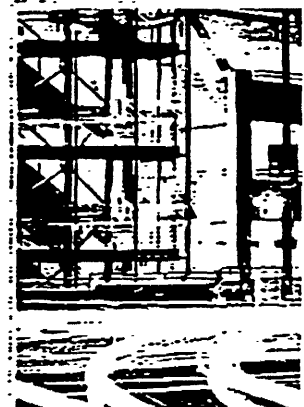
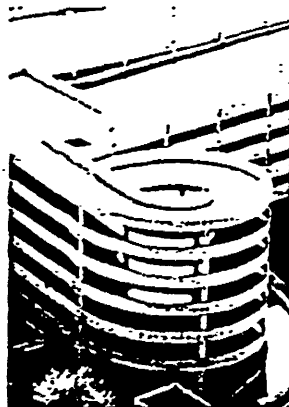
MR. KRIEGER: I assume Mr. Sweeney you're not going to need my digest of the applicable law in seeking variances. I would wager a guess that you probably also have at your office a copy of 267 of the Town Law.

MR. SWEENEY: I do.

MR. HUDSON: Thank you very much.

THE DIMENSIONS OF PARKING

Third Edition



ULI—the Urban Land Institute
NPA—the National Parking Association

Chapter 11

PARKING GEOMETRICS

Jean M. Keneipp and Will Van Dyke

The size of the average car driven by Americans has shrunk dramatically since the early 1970s. Between 1973 and 1978, small-car sales only accounted for 14 to 25 percent of vehicles sold. Beginning in 1980, the percentage of small-car sales increased to almost 50 percent of the total. And between 1983 and 1990, small-car sales accounted for an average of 52 percent of annual sales in the United States.

This downsizing of the auto fleet was precipitated by the oil embargo of 1973 and the subsequent federal legislation mandating increasing fuel efficiency for new vehicles. Some of the gain in fuel efficiency has been achieved by reducing the size and weight of vehicles sold. As older, larger vehicles are scrapped and removed from the fleet, and as the number of smaller, newer vehicles increases, the average size of vehicles on the road decreases.

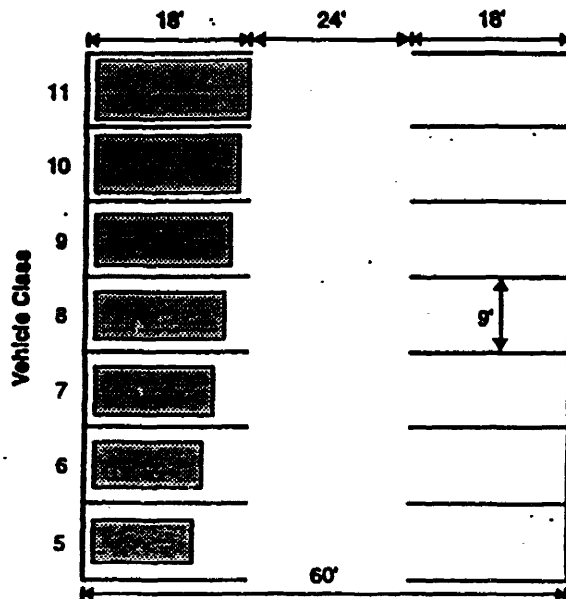


These changes have had a profound impact on parking dimensions. In the past, full-size parking stalls in some locations were 9 to 10 feet wide and 18 to 20 feet long. With smaller automobiles, an average width of 8.5 feet and a length of 16 to 17 feet is more appropriate for general use, with even smaller dimensions acceptable in

some circumstances.

The purpose of this chapter is to address the questions and issues surrounding the geometric design of parking spaces for smaller cars. Constructing new parking lots or garages with tighter dimensions can reduce the overall construction cost and the land area required for parking. Existing parking facilities can also be altered; the restriping of garages and lots to accommodate smaller cars presents a low-cost alternative to adding parking capacity.

11-1 Parking Module



Source: Barton-Aschman Associates, Inc.

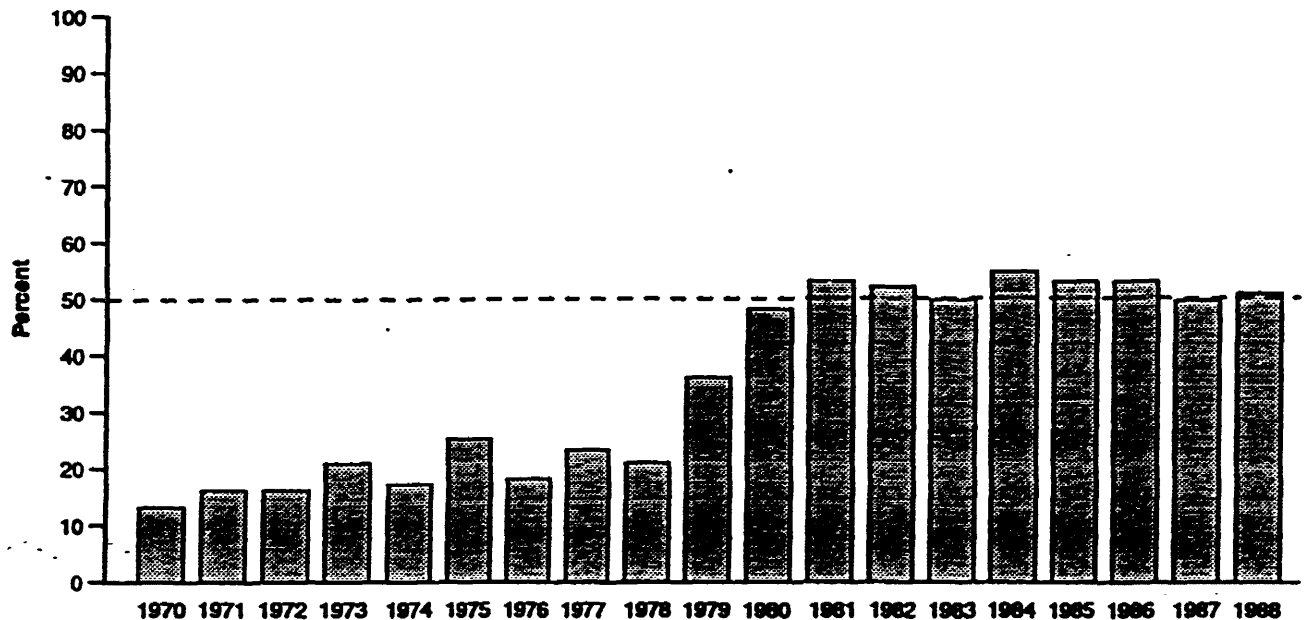
The capacity increase that can be achieved through the application of smaller standards to new construction, or through the restriping and changing of geomet-

rics in an existing parking facility, usually ranges between 5 and 10 percent. The exact gain will depend on the original geometrics, the intended use of the facility (whether for long-term employee parking or short-term parking), and the mix of vehicles using the facility.

Size Definitions

What is a small car or a large car? In a discussion of the continued trend toward smaller cars, many terms are used without being precisely defined or understood: "large," "medium," "small," "full-size," "standard-size," "compact," "subcompact," and so forth. The classification of automobile sizes can be made either on the basis of the inertial weight of the vehicle or on the basis of the area it occupies. For parking facility design, the latter classification is more useful. With this system, the length and width of the vehicle, measured in meters, are multiplied to give the area covered by the vehicle in square meters. The convention is to drop the decimal parts of the measurement and use only the integer for the classification. For example, a Ford Escort covers an area of 5.7 square meters. It would be considered a Class 5 vehicle. By comparison, a 1990 Lincoln Town

11-2 Annual Small-Car Sales in the United States, 1970-1990



Source: Automotive News: Market Data Book, issues 1970-1990.

Car covers a total area of 11.08 square meters and would be considered a Class 11 vehicle.

The cars in use today generally fall into the range of Class 5 through Class 12 (no models in Class 12 or larger have been built since 1981). The following list gives examples of the 1990 model cars in each class size:

- Class 5 Ford Festiva
- Class 6 Geo Metro
- Class 7 Plymouth Horizon, Dodge Colt, Ford Mustang, Pontiac Grand Am
- Class 8 Buick Century, Chevrolet Celebrity, Ford Thunderbird
- Class 9 Buick Regal, Oldsmobile Cutlass
- Class 10 Chevrolet Caprice, Cadillac Brougham
- Class 11 Lincoln Town Car, Ford Grand Marquis

Classes 5 through 7 are considered small cars; Classes 8 and above, large cars. Figure 11-1 shows how vehicles ranging from Class 5 through Class 11 fit into a typical full-size parking module of 60 feet with stalls that are 9 feet wide. Clearly, a module of this size is oversized for vehicles of Class 8 or smaller.

Vehicle Size Changes

The percentage of small cars sold (area less than 8 square meters) increased dramatically in 1979 and 1980 and has since stabilized at about 52 percent of the vehicles sold each year. Figure 11-2 graphically shows this change. As the automobile fleet ages, more of the older large vehicles will be retired, further reducing the overall fleet dimensions.

It should be noted that the ratio of small cars to large cars will vary by region. On the East or West Coasts, with a higher percentage of small cars, the ratio will be higher. It will also usually be higher on college and university campuses and at many hospitals and medical centers. In smaller cities and towns, the percentage of large cars is likely to be higher due to a higher percentage of older domestic cars in the fleet, as well as to the tendency to use full-size pickup trucks.

Changes in Parking Dimensions

A parking module consists of two rows of parking, one on each side of an access or driving aisle. The stall width selected depends on the type of use or turnover that will prevail at a parking lot or garage. The typical bay width for 90-degree parking used to be 60 to 62 feet, using a stall width of 9 feet. Many zoning codes incorporated this module or an even larger module, with a stall size of 10 feet by 20 feet. As the average car size has decreased, there have been sig-

11-3 Recommended Minimum Stall and Module Dimensions for Parking Facility Design

Type of User	Minimum Stall Width	
	Small Car	Large Car
All-Day Parker (employee, resident, etc.)	7'-4"	8'-2"
Visitor (hospital, CBD)	7'-8"	8'-6"
High-Turnover Parker (shopping, bank, etc.)	8'-0"	8'-10"

Angle	Wall-to-Wall Module Dimension	
	Small Car	Large Car
45°	42'-0"	49'-0"
50°	43'-6"	51'-0"
55°	45'-0"	53'-0"
60°	46'-0"	55'-0"
65°	47'-0"	56'-6"
70°	48'-0"	58'-0"
75°	49'-0"	59'-6"
90°	51'-0"	62'-0"

Adjustments to Modules:

1. If a curb, wheelstop, wall, or other vehicle restraint is placed at every parking stall, the modules above can be reduced by 1 foot.
2. For each 1 inch of additional stall width, the module may be reduced 3 inches to maintain the same level of comfort.

Source: Parking Consultants Council, National Parking Association, *Recommended Guidelines for Parking Geometrics* (Washington, D.C.: NPA, 1989).

nificant opportunities to decrease the dimensions of the parking module.

There is a definite relationship between the allowable width of a parking stall and the width of the aisle that serves the space. As the aisle width increases, the stall width can be made smaller and still provide ample room for the driver to enter the space. The stall width is usually based on the door-opening clearance, which in turn is based on the turnover or type of parking. Spaces with high turnover rates, such as convenience stores or retail centers, require more door clearance than low-turnover situations, such as long-term employee parking. Door-opening standards should range from 20 inches for small cars in low-turnover situations to 28 inches for large cars in high-turnover applications. When combined with a design vehicle width of 5 feet 8 inches for small cars and 6 feet 6 inches for large cars, these dimensions result in the minimum range of stall and module widths that is shown in Figure 11-3.

Parking Design Standards

Figure 11-4 shows recommended parking design standards for large and small cars. This exhibit has been adapted from the National Parking Association's 1989 *Recommended Guidelines for Parking Geometrics*, but

it generally agrees with the dimensions established by the Institute of Transportation Engineers in its 1990 guidelines.¹ The primary differences are that the ITE

1. See References 4 and 2, respectively, at the end of this chapter.

11-4 Typical Parking Dimensions

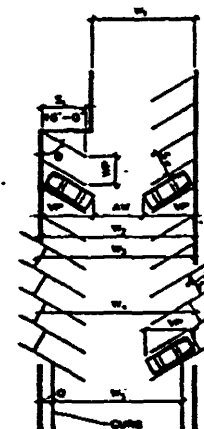
Small Cars

Angle	Interlock Reduction i	Overhang o	Vehicle Projection VP	Aisle Width AW	Module Widths				
					W ₁	W ₂	W ₃	W ₄	W ₅
45°	2'-0"	1'-5"	15'-3"	11'-6"	26'-9"	42'-0"	40'-0"	38'-0"	39'-2"
50°	1'-10"	1'-6"	15'-9"	12'-0"	27'-9"	43'-6"	41'-8"	39'-10"	40'-6"
55°	1'-8"	1'-8"	16'-1"	12'-10"	28'-11"	45'-0"	43'-4"	41'-8"	41'-8"
60°	1'-5"	1'-9"	16'-4"	13'-4"	29'-8"	46'-0"	44'-7"	43'-2"	42'-6"
65°	1'-2"	1'-10"	16'-6"	14'-0"	30'-6"	47'-0"	45'-10"	44'-8"	43'-4"
70°	1'-0"	1'-11"	16'-7"	14'-10"	31'-5"	48'-0"	47'-0"	46'-0"	44'-2"
75°	0'-9"	1'-11"	16'-6"	16'-0"	32'-6"	49'-0"	48'-3"	47'-6"	45'-2"
90°	0'-0"	2'-0"	15'-6"	20'-0"	35'-6"	51'-0"	51'-0"	51'-0"	47'-2"

Large Cars

Angle	Interlock Reduction i	Overhang o	Vehicle Projection VP	Aisle Width AW	Module Widths				
					W ₁	W ₂	W ₃	W ₄	W ₅
45°	2'-4"	2'-1"	18'-0"	13'-0"	31'-0"	49'-0"	46'-8"	44'-4"	44'-10"
50°	2'-1"	2'-4"	18'-8"	13'-8"	32'-4"	51'-0"	48'-11"	46'-10"	46'-4"
55°	1'-10"	2'-5"	19'-2"	14'-8"	33'-10"	53'-0"	51'-2"	49'-4"	48'-2"
60°	1'-8"	2'-7"	19'-6"	16'-0"	35'-6"	55'-0"	53'-4"	51'-8"	49'-10"
65°	1'-4"	2'-9"	19'-9"	17'-0"	36'-9"	56'-6"	55'-2"	53'-10"	51'-0"
70°	1'-1"	2'-10"	19'-10"	18'-4"	38'-2"	58'-0"	56'-11"	55'-10"	52'-4"
75°	0'-10"	2'-11"	19'-9"	20'-0"	39'-9"	59'-6"	58'-8"	57'-10"	53'-8"
90°	0'-0"	3'-0"	18'-8"	24'-8"	43'-4"	62'-0"	62'-0"	62'-0"	56'-0"

- θ Parking angle
- W₁ Parking module width (wall to wall), single-loaded aisle
- W₂ Parking module width (wall to wall), double-loaded aisle
- W₃ Parking module width (wall to interlock), double-loaded aisle
- W₄ Parking module width (interlock to interlock), double-loaded aisle
- W₅ Parking module width (curb to curb), double-loaded aisle
- AW Aisle width
- WP Stall width parallel to aisle
- VP Projected vehicle length, measured perpendicular to aisle
- St Stall length
- Sw Stall width
- o Overhang clearance
- i Interlock reduction



Source: Parking Consultants Council, National Parking Association, *Recommended Guidelines for Parking Geometrics* (Washington, D.C.: NPA, 1989).

wall-to-wall module is 1 foot smaller for the 90- and 45-degree stalls for large cars. Otherwise, the parking module dimensions are identical.

In practicality, the vehicles using a parking facility will be a mix of large and small cars. The large-car spaces will be too generous for the small cars, and the small-car space dimensions will be inadequate to accommodate the larger cars. A more realistic approach would be to design the facility with a single composite or average dimension that will adequately accommodate the expected vehicle mix. "One-size-fits-all" is an approach preferred by some designers for this reason. That is, an average size is selected for the particular use and vehicle mix. The extent to which this approach can be used will depend on local ordinances.²

Designated Small-Car Spaces

Often, a zoning ordinance will allow the designation of a parking area for small cars that is separated from the large-car area. In this situation, small cars can fit into the large-car spaces, but large cars cannot easily fit into the small-car spaces. One-size-fits-all designs are easier to execute for several reasons: 1) most drivers do not know the size of their vehicle or whether it is a large or small car; 2) most drivers take the first available space regardless of size; and 3) large cars parked in small-car spaces create problems by encroaching on adjacent spaces and possibly on the adjoining aisles.

The use of spaces designated for small-car use is recommended in parking structures in the odd locations where a full-sized space cannot fit and the alternative would be to eliminate a parking space. The use of an area designated for small-car use can also be effective in controlled situations, such as a parking facility used by a single employer or a college or university

2. A more detailed explanation of this method is presented in reference 3.

campus. In the case of a university, because there is a control mechanism (issuance of parking permits), vehicles may be assigned to specific locations by size.

Summary

The size of the average car driven in the United States has been dramatically reduced since the early 1970s because of an increase in the number of small cars sold. Total small-car sales now account for more than half the cars sold. The reduction in vehicle dimensions has also reduced the size requirements of the average parking space. Instead of a parking stall being 9 feet wide, it can be as narrow as 8 feet wide for very low-turnover situations; a stall width of 8 feet 6 inches is satisfactory for most higher-turnover applications. Further reductions in stall width can be achieved in situations in which most of the vehicles using the facility are small cars. In any case, more efficient, cost-effective parking facilities can be designed by carefully considering the type of patron or use and the actual mix of vehicles expected to park.

References

1. Weant, Robert, and Herbert Levinson. *Parking*. Westport, Conn.: Eno Foundation, 1990.
2. Institute of Transportation Engineers. "A Summary Report: Guidelines for Parking Facility Location and Design." *Journal* (April 1990).
3. Parking Consultants Council, National Parking Association. *Parking Space Standards Report*. Washington, D.C.: NPA, 1985.
4. Parking Consultants Council, National Parking Association. *Recommended Guidelines for Parking Geometrics*. Washington, D.C.: NPA, 1989.
5. Smith, Mary. "Parking Standards." *Parking* 24 (July-August 1985): 55-60.
6. Weant, Robert. *The Influence of Smaller Cars on Parking Geometry*. Westport, Conn.: Eno Foundation, 1984.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 5, 1998

138

Ms. MaryEllen Ballantyne
Langan Engineering & Environmental Services, Inc.
River Drive Center 1
Elmwood Park, NJ 07407-1338

Re: 65-2-12, 35, 36, 37, 38, 39, 40 (*Shop Rite*)

Dear Ms. Ballantyne:

According to our records, the attached list of property owners are within the agricultural district which is within five hundred (500) feet of the above referenced property.

The charge for this service is \$153.00, minus your deposit of \$25.00.

Please remit the balance of \$128.00 to the Town Clerk's office.

Sincerely,

L. Cook (cad)

Leslie Cook
Sole Assessor

/cad
Attachments

~~CC: [REDACTED]~~

Consolidated Rail Corp.
6 Penn Center Plaza
Philadelphia, PA 19103

Madison, Samuel & Audrey, Kass,
Frederick J. &
367 Windsor Highway
New Windsor, NY 12553

Kroposki, Amelia, Walter Kroposki
Living Trus &
Quaker Hill rd., Box 731
Monroe, NY 10950

Blix Corporation
PO Box 1002
Highland Mills, NY 10930

Rosenbaum Industries, Inc.,
PO Box 428
Vails Gate, NY 12584

Daidone, Charles T. & Rose M.
250-260 Temple Hill Road
New Windsor, NY 12553

Norstar Bank of Upstate NY
Facilities Management
PO Box 911
Newburgh, NY 12550

Mans Brothers Realty, Inc.
PO Box 247
Vails Gate, NY 12584

Shedden, Joan A.
Box 608A
Vails Gate, NY 12584

Mellick, Gregory, Aquino, John J &
9 Hawthorne Pl., Apt. 2N
Boston, MA 02114

The Vails Gate Fire Company
PO Box 101
Vails Gate, NY 12584

Sorbello, Bouyea, King
c/o Robert K. Bouyea
505 North Riverside Rd.
Highland, NY 12528

Longo's Service Station Inc.
362 Windsor Hwy.
New Windsor, NY 12553

Stockdale, Arthur D. & Julie
35 Kriste Lane
Jericho, VT 05465

Consolidated Rail Corp.
Property Tax Dept.
PO Box 8499
Philadelphia, PA 19101

Rashbaum, Gilbert
6075 Pelican Bay Blvd.
Naples, FL 33963

Gualtieri, Clarence & Lorraine
PO Box 157
Vails Gate, NY 12584

Mayer, Godsi, Kodsi, Moshe &
PO Box 575
Vails Gate, NY 12584

Yankulis, John, Strober, Eric D. &
c/o Temple Hill Property
550 Hamilton Ave
Brooklyn, NY 11232

Orange County I.D.A.
c/o Strober King Bldg. Supply
PO Box 726
Vails Gate, NY 12584

Sy Realty Corp.
550 Hamilton Ave.
Brooklyn, NY 11232

Manning, Thomas & Kathleen I.
2 Creek Run Rd.
Newburgh, NY 12550

Inaganti, Mani M.
PO Box 787
Vails Gate, NY 12584

DeCouto, Terry C. & Lorraine
63 Old Temple Hill Rd.
New Windsor, NY 12553

Sheafe, Wayland H. & Joy C.
1661 Little Britain Rd
Rock Tavern, NY 12575

Tornatore, Antonio & Gemma
82 Continental Dr.
New Windsor, NY 12553

Nichols, Walter L. & Louella
PO Box 465
Vails Gate, NY 12584

Taravella, Frances T.
152 Temple Hill Rd.
Vails Gate, NY 12584

Andrews, Eugene L. & Ruth
PO Box 292
Vails Gate, NY 12584

DeDominicis, Antonio & Giencinta
PO Box 327
Cornwall, NY 12518

Robert P. Babcock Liv. Tr.
324 Station Rd.
Rock Tavern, NY 12575

Kelly, Katherine
Box 38
Vails Gate, NY 12584

Albany Savings Bank
94 Broadway
Newburgh, NY 12550

R & S Foods Inc.
249 North Craig St.
Pittsburgh, PA 15213

NYS Dept. Of Transportation
Office of the State Comptroller
A.E. Smith Office Bldg.
Albany, NY 12236

Grana, John
PO Box 317
Vails Gate, NY 12584

Primavera Properties Inc.
PO Box 177
Vails Gate, NY 12584

MCB Partnership
208 Meadow Ave.
Scranton, PA 18505

FFCA Acquisition Corp.
17207 North Perimeter Dr.
Scottsdale, AZ 85255

TGS Associates Inc.
15 East Market St.
Red Hook, NY 12571

Maisonet Rosado, Luis & Jeanine
409 Old Forge Hill Rd.
New Windsor, NY 12553

Martini, Paul M. & Irma A.
407 Old Forge Hill Rd.
New Windsor, NY 12553

Selby, Edmond M.
405 Old Forge Hill Rd.
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Estremera, Rose
21 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Warshaw, Sonnie & Diane
23 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Perry, Ronald & Marie A.
25 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Levy, Barbara
27 Vails Gate Hgts. Dr.
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Ziegler, Annette
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Borrero, David
31 Vails Gate Hgts. Dr.
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Warshaw, Steven & Ronni
33 Vails Gate Hgts. Dr.
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Skopin, Raymond P. & Grace E.
35 Vails Gate Hgts. Dr.
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Schmidt, Vincent J. & Gertrude E.
37 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Zelkind, Frederick S. & Thelma
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New Windsor, NY 12553

Coyle, Stephen P. & Annelie
41 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Baker, Meredith Elaine
43 Vails Gate Hgts. Dr.
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Shapiro, Martin & Frances
45 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Hunger, Leonard & Lucy
47 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Navedo, Juvencio
49 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Robinson, Frank
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Pacione, Carmine J.
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Barrett, John A. & Doris M.
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New Windsor, NY 12553

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c/o Scheiner Trustee
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Delray Beach, FL 33446

Isaacs, Christopher A. &
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New Windsor, NY 12553

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71 Vails Gate Hgts. Dr.
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73 Vails Gate Hgts. Dr.
New Windsor, NY 12553

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75 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Luongo, Carmine A. & Norma
77 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Zeneri, Alberto P. & Mary A.
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Adrian Bitar
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Claudia Rudin
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New Windsor, NY 12553

Mitchell, Glen & Regina
PO Box 16
Cornwall, NY 12518

Reilly, Eugene H. & Dorothy M.
87 Vails Gate Hgts. Dr.
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Garcon, Lionel &
Marie C. Charles Garcon
89 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Anderson, Ingrid
91 Vails Gate Hgts. Dr.
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Mariette, Alix M. & Adel
93 Vails Gate Hgts. Dr.
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Banks, Earnest & Ruth
95 Vails Gate Hgts. Dr.
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Reilly, John T. & Marina A.
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Morange, William A. & Diana A.
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103 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Kayes, Vincent L. & Jeanne M.
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New York, NY 10040

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555 Union Ave.
New Windsor, NY 12553

Parisi, Dominick S. & Lucille
53 Highview Ave.
Newburgh, NY 12550

Christianson, Alton D. & Theresa
397 Old Forge Hill Rd.
New Windsor, NY 12553

Ware, Jerline & Zelda
401 Forge Hill Rd.
New Windsor, NY 12553

Windsor Properties
c/o Peck & Heller, Mortgage Acct.
2301 Lincoln Bldg., 60 E 42nd St.
New York, NY 10165

Kercado, Hector & Carol
84 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Bak Man, Kim
90 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Velez, Jose M. Sr. & Iris
100 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Ortiz, Juan Jr.
106 Vails Gate Hgts. Dr.
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Saunders, Leon E. &
Ann L. Barnett
114 Vails Gate Hgts. Dr.
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Knight, Jeffrey P. &
Veronica Earley
120 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Higgenbotham, Eddie J. &
Kimberly
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Middletown, NY 10940

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New Windsor, NY 12553

Maresca, John R.
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New Windsor, NY 12553

Dolan, Bernard & Beatrice
92 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Obey, Paulette & Mirta
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New Windsor, NY 12553

Romano, John Jr.
108 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Martinez, Carlos G. & Julia N.
116 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Mahoney, John F. & Luz M.
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Owens, William F. & Virginia
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Mihalco, Emil Jr. &
Bernice Sapiel
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New Windsor, NY 12553

Klein, Robert & Harriet
82 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Nottingham, Mary L.
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Vails Gate, NY 12584

Diaz, Nuncio A. & Mirian
96 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Hughes, John J. & Fay E.
104 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Napolitano, Thomas & Billie Mae
110 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Mazureck, Robert A. & Linda R.
118 Vails Gate Hgts. Dr.
New Windsor, NY 12553

McGarry, William & Lynne
124 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Lamb, Edward M. & Anne P.
130 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Casey, James L. & Shirley K.
138 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Benedetto, Leonard E.
140 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Gracey, Adeline P.
11809 Oakwood Dr.
Woodbridge, VA 22192

Kopman, Robert L.
345 Butternut Dr.
New Windsor, NY 12553

Storey, Richard F. & Diane M.
5 Mark St.
New Windsor, NY 12553

Cohen, Richard M. &
Jeryl A. Dorsey
62 Continental Dr.
New Windsor, NY 12553

Crook, Richard J. & Jeannie M.
64 Continental Dr.
New Windsor, NY 12553

Rohan, John F. & Mary V.
66 Continental Dr.
New Windsor, NY 12553

Christian, Edward L. & Linda
68 Continental Dr.
New Windsor, NY 12553

Tower Management Financing
Partnership LP
680 Kinderkamack Rd.
River Edge, NJ 07661

STP/JMK Properties, Inc.
298 Forge Hill Rd.
New Windsor, NY 12553

Andriuolo, Carmine
363 Windsor Hwy.
New Windsor, NY 12553

County of Orange
255-275 Main St.
Goshen, NY 10924

Vitolo, Vittorio & Lucy
5 Vista View Terrace
Middletown, NY 10940

Cicchetti, Edward O.
8 Baltsas Rd.
Newburgh, NY 12550

Vitolo, Reziero
137 Mill St.
Wallkill, NY 12589

Bank Of New York
Property Management
48 Wall St. - 24th Floor
New York, NY 10286

Betrix, David B. & Elizabeth A.
PO Box 465
Vails Gate, NY 12584

356 Windsor Highway Assoc. LLC
2 Hearthstone Way
New Windsor, NY 12553

*Pls. publish immediately. Send bill to James G. Sweeney P.C.
1 Harriman Sq.
Goshen, N.Y. 10924*

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

Please Take Notice that the zoning Board of Appeals of the **TOWN OF NEW WINDSOR** New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 98-28

Request of The BILA Family Partnership for multiple **VARIANCES** of the Zoning Local Law to permit the reconstruction and rehabilitation of the Big V Shopping Center on Rt. 32 at Vails Gate in such a manner as to allow 1245, 9' x 18' parking stalls which is less than the number and size now required; a building height of 30' which is in excess of that now allowed; a retaining wall to be constructed along a rear lot line in an otherwise required rear yard, 15 truck loading berths which is less than that now required, one additional pylon sign to be placed on the site, the relocation of an existing pylon sign, directional ground signs and building facade signs exceeding the minimum requirements all being a **VARIANCE** from Sections 48-9 (Table of Use/Bulk Regulations); 48-16A (2); 48-14(1)b and 48-18(h) of said Zoning Local Law for property situated as follows: bounded by NYS Rt. 32 and Old Forge Hill Road on the east and Old Temple Hill Road on the west. known and designated as tax map Section 65 Blk 2 Lots 12, 35, 36, and 37.

SAID HEARING will take place on the *14th* day of *September*, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock PM

James Nugent

Chairman

By: Patricia A. Barnhart, Secy.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

Please Take Notice that the zoning Board of Appeals of the **TOWN OF NEW WINDSOR** New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

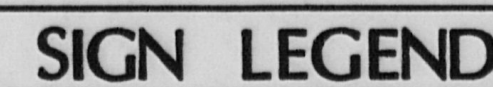
Appeal No. 98-28

Request of The BILA Family Partnership for multiple **VARIANCES** of the Zoning Local Law to permit the reconstruction and rehabilitation of the Big V Shopping Center on Rt. 32 at Vails Gate in such a manner as to allow 1245, 9' x 18' parking stalls which is less than the number and size now required; a building height of 30' which is in excess of that now allowed; a retaining wall to be constructed along a rear lot line in an otherwise required rear yard, 15 truck loading berths which is less than that now required, one additional pylon sign to be placed on the site, the relocation of an existing pylon sign, directional ground signs and building facade signs exceeding the minimum requirements all being a **VARIANCE** from Sections 48-9 (Table of Use/Bulk Regulations); 48-16A (2); 48-14(1)b and 48-18(h) of said Zoning Local Law for property situated as follows: bounded by NYS Rt. 32 and Old Forge Hill Road on the east and Old Temple Hill Road on the west. known and designated as tax map Section 65 Blk 2 Lots 12, 35, 36, and 37.

SAID HEARING will take place on the 14th day of *September*, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock PM

James Nugent

Chairman



CALDOR
(MAIN BLDG & STORAGE)
SHOPRITE
(MAIN BLDG & STORAGE)
SERVICE CORRIDOR
BANK
BURGER KING

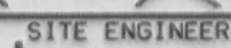
SITE STATISTICS

NOTE:

1. A 213 PARKING SPACE VARIANCE HAS BEEN PREVIOUSLY GRANTED BY NEW WINOSOR ZONING BOARD, DATED SEPTEMBER 25, 1989.
2. A 13 FT 4IN BUILDING HEIGHT VARIANCE HAS BEEN PREVIOUSLY GRANTED BY NEW WINOSOR ZONING BOARD, DATED SEPTEMBER 25, 1989.

- 1. EXISTING** PROPERTY LINE AND TOPOGRAPHICAL INFORMATION HAS BEEN TAKEN FROM A PLAN ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY FOR BILA FAMILY PARTNERSHIP, TOWN OF NEW VINDSOR, ORANGE COUNTY, CALIFORNIA," PREPARED BY MARK A. HANZOSWITZ, P.C., DATED FEBRUARY 27, 1998 AND LAST REVISED MARCH 07, 1998.
2. TOPOGRAPHY SHOWN TAKEN FROM AERIAL SURVEY DATED AUGUST 26, 1997.
3. ALL AREAS NOT COVERED BY PAVEMENT, SIDEWALK, OR BUILDINGS ARE TO BE COVERED WITH A MIN. OF SIX (6) INCHES OF COMPACTED TOPSOIL.
4. THE MINIMUM 28 DAY COMPRESSIVE STRENGTH OF CONCRETE SHALL BE 3,500 PSI UNLESS NOTED OTHERWISE IN THE DETAILS.
5. ALL PROPOSED STRIPINGS AND PAVEMENT MARKINGS SHALL CONFORM TO NYDOT 11M "STANDARDS."
6. VERTICAL CONTROL IS BASED ON U.S.A.C.S. DATUM
7. ALL UNDERGROUND UTILITIES ARE SHOWN IN THERE APPROXIMATE LOCATIONS AND SHALL BE FIELD VERIFIED BEFORE CONSTRUCTION BY THE CONTRACTOR.

CAROL M. HUDSON



Project

BIG V
TOWN CENTRE

VALE GATE NEW

SITE PLAN

Drawing No.

2001